Imprimatur,

January 18th,

1686.

Hen. Bedingfield.

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THE CLERK'S TUTOR IN Chancery;

Giving true Directions by

Authentick Precedents,

How to Draw *Affidavits*, *Petitions*, *Interlocutory-Orders*, *Reports* before Masters, *Bills*, *Answers*, *Pleas* and *Demurrers*; with such *Process*, and other *Instruments*, as are now in Use in that High and Honourable Court.

To which is prefixt

An *Introduction*, with some *Cases* of *Note* lately Adjudged, and several *New Orders* made, for the Regulating the Practice thereof.

LONDON,
Printed for *Henry Mortlock*, at the *Phœnix* in St. *Paul's* Church-yard, and at the *White-Hart* in *Westminster*-Hall,
MDCLXXXVIII.

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TO THE
RIGHT HONOURABLE
George Lord *Jeffreys*,
Baron of Wem, *Lord High Chancellor of* England, *and one of the Lords of His Majesties most Honourable Privy Councell.*

My Lord,

I Humbly lay my Endeavours in this Collection at your Honours feet, as the onely Personage can give them Protection, in regard they and the Off-springs of that Court, wherein your Lordship most deservedly Presides as Superintendant, and who alone can with the least smile, or favourable look, make them Denisens throughout His Majesties Dominions.

I could not (Sir) have either the Vanity or Presumption to affix

A your

your Name to such a Trifle (far below your Honours Patronage) had I not been formerly encouraged by your great Condescention in the like nature. Having moreover this to say, by way of Apology, That your Lordship (as the Greatest and Best of men in all Ages) only studies the Publick good, and gives all the Encouragement imaginable to good Literature. I need not acquaint your Honour with the several *Tracts* already published of the Methods of Practise of this Honourable Court, every Author's Genius hitherto having led him to Write of some one Particular; none of 'em attempting the whole. For my part (my Lord) I have no other Ambition in this Publication but that of manifesting to the world the Incomparable Oeconomy and Beauty of

this Honourable Court, in all its parts and methods (so far as the narrowness of my Province will give me leave. And I am confident (with submission to your Lordship) that it would have been the Intention of the Learned Mr. *West* (whose Method, if any, I have haply agreed with, rather than Imitated) in his Elaborate *Treatise of Symboleography*, to have done the same, if he had been now to begin his Work. In which, my Lord, to speak Ingenuously, and give that Great Man his due, he seems not to have omitted any thing at that time material for his purpose. But (alas) since that good Age, your Lordship is too sensible how much Peoples Inclinations have been corrupted; the subtile Contrivers of Fraud in this Age laying their villanous designs so deep, obscure,

and out of the common reach of Discovery, that nothing but your Lordships extraordinary Prudence and Sagacity can find 'em out.

For which Reasons, Sir, I have adventured (with your Honours leave) from the *Affidavit*, to the Writ *de Executione Decreti*, in Miniture, to demonstrate to the world, the Admirable Symetry, good Order and Decorum now used in the High and Honourable Court of Chancery; under your Lordships most excellent Administration and Conduct: Humbly imploring your Honours Pardon for my great Presumption in this Address, and that your Honour will give me leave to subscribe my self,

My Lord,

Your Honours most humbly obedient, and most Devoted Servant

W. Brown.

The INTRODUCTION.

HOminem ſcire (*ſaith the great Philoſopher and learned Phyſitian of* Mompelier) ſumma eſt ſapientia. *And whoever treats of the Court of Chancery cannot ſay leſs than* Cancellariam ſcire Legum municipalium Angliæ ſumma eſt Scientia, *in regard this High and Honourable Court is ſo very conſiderable in the vaſt extent of its Power, that 'tis hardly poſſible for any Cauſe of weight or moment to eſcape the Juriſdiction thereof, but firſt or laſt muſt have its determination therein.*

Joan. Petri Fabri, Lib. 1 de Sapientia Univerſali.

I ſhall not trouble the Reader with an unneceſſary deduction of the Original, Riſe and Progreſs of the Power of this Court; nor undertake here to ſhew all the particulars wherein Equity uſually hath been, now is or may be allowed (my Province being confin'd to a narrower compaſs) but ſhall content my ſelf, after a ſhort deſcription of the Nature of the Court, to

lay down some usefull Notes and Observations upon the Proceedings, and so conclude the Introduction with the present state of the Practice, as it is now in use at this day.

Of the Nature and Power of this Court.

The Court of Chancery is the highest and most supreme of all the Courts of Equity in this Kingdome, and chiefly (and most properly) doth exert its Power in abating the Rigour of the Common Law, or affording its aid and relief in such Cases, wherein the Subject is otherwise without remedy by the strict Rules (or weak Efforts) of other Judicatures.

Notes and Observations upon the Proceedings in Chancery.

Decree. *If the Decree do order the Defendant to pay a sum of money, then the Decree or a Writ of Execution of the Decree* vel ordinis, *if it be a decretal Order must be served upon the person under Seal, or else it is no*

Contempt. *Contempt, if the Defendant pay it not, but if it appear the Writ were delivered to the Defendant's Servant, and that it came afterwards to his hands,*

hands, or that it be proved that he had notice of the Decree or Writ, then it is a Contempt, if he refuse to pay the money, 4 Car. *Lord Keeper ordered an Attachment.*

The leaving of an Order at the parties house is not sufficient notice without an Affidavit that he could not come at them to serve them therewith Apr. 1638. Notice.

If the party cannot be found then a motion must be made to have an Order that the leaving of it at the party's house may be a sufficient service, and so likewise of a Subpœna. Service.

He that serveth a Writ de executione Decreti *for money must shew his warrant to receive the money, and must shew the Writ under Seal, and must demand the money, else it is no contempt to refuse to pay it,* Apr. —1649. *the Case* int. Wise & al. Contempt.

If upon a Subpœna ad respond. *the party sweareth upon his examination that he was not served, if he that served it, so that it be not the Plaintiff, upon a Commission to prove a contempt for not appearing to answer, do depose that he personally served him that is a sufficient proof.* Contempt.

A Copyhold cannot be entailed by the Stat. de donis conditionalibus; *but by the Common Law it may, and a sur-* Copyhold.

a ſurrender or a plaint in nature of a Fine and recovery will barr thoſe Eſtates as well in the Court-Baron as at the Common Law, if the cuſtome have been ſuch, which is the Rule in theſe caſes.

What ſhall be ſaid a breach of a Decree and what not.

If a Decree be made againſt J. S. *that he ſhall not meddle with the goods of* J. D. *and* J. D. *make him Executor, or die inteſtate, and* J. S. *taketh Letters of Adminiſtraton of his goods, and then meddle with the goods, this is no breach of the Decree, for it is a new Title.* Ld. Keeper 16. Junii 1628. in Cur' Canc.

Coſts.

If upon hearing of a Cauſe procured by the Defendant, the Plaintiff and his Councill do attend the Cauſe, but are not ſerved with Proceſs ad audiend. judic', *and the Defendant with his Councill attend not, yet the Plaintiff ſhall have no Coſts becauſe he is not compelled to appear, and the Defendant may chuſe whether he will have the Cauſe heard or no.* Cur' Canc' coram Magiſtro Rot. 17. die Junii 1628.

No *Subpœna* ſerved *ad audiend. judic.*

An *Aſſumpſit* to do an unlawfull Act,

If a man upon a good conſideration aſſume to doe an unlawfull act, and afterwards enter into a Bond to doe it, the Aſſumpſit *is diſcharged. But if a man aſſume to a Gaoler to give him* 20 li. *to let his Brother (being in Priſo-*

Priſoner) free, no Action at Law or Relief in Equity ſhall be upon this Aſſumpſit, for it is againſt Law, and an eſcape in the Gaolor. So if a man promiſe him 20 li. in conſideration that he hath ſet his Brother free, this is void becauſe it is a ſubſequent promiſe. But in the caſe between Sir G. R. and Mr. R. C. and his Brother, who was in Priſon under the cuſtody of Sir G. R. in the King's-Bench, they did promiſe to diſcharge Sir G. and he being charged in an Action of Debt upon the eſcape of the ſaid R. in 300 li. (the Jury giving ſo much damages when the declaration was no more) and they having before entred into Bond to Sir G. of 700 li. for his diſcharge, which Bond he releaſes, thinking it had been no eſcape, and then before alſo they made him the ſaid promiſe, and afterwards offered to give him 100 li. which was proved by two witneſſes in this manner, viz. the one witneſs ſaid they offered 140 li. and the other 100 li. which was held to be good proof for 100 li. the Maſter of the Rolls did hold it fit in conſcience that he ſhould have it, in regard of the ſaid promiſe, and alſo becauſe he had paid by compoſition for the ſaid 300 li. 360 li. for the ſaid R.'s eſcape, and

No remedy in Law or Equity.

A ſufficient proof.

so would have decreed it, but that the said Brothers being present in Court, and the Court moving thereunto they yielded, and by their consent it was ordered that they should pay to Sir G. 1000 li. 6. Nov. next 17. Junii 1628. my Lord Keeper being in the Parliament House.

The relation of the party himself is no proof in Court.

Proof. *No matters of Account are to be referred till after hearing of the Cause.*

Report. Hob. fo. 306. *The word proof shall be understood generally Judicial* i. e. *by Jury, Confession or Demurrer in Court. Confession voluntary was holden good proof, though the Law in construction is contrary, yet when the party expresseth to mean and allow another form of proof, that shall prevail.* Gold's *Case*, Hob. *Rep. fo.* 127.

Coke 4. lib. fo. 74. Quel manner de proofe est sufficient, v. Trin. 13. Jac. Co. lib. 4. 74.

Witness. *If a payment of money be affirmed in the Bill, and not denied in the Answer, one witness is sufficient, but upon denial upon Oath there must be two witnesses to disprove it;* & 28. Oct. 1641. per Dun. Littleton in Cur. *A man's own hand and single witness to a Deed is taken to be a*

good

good proof in Law, and alſo in Equity, as it was in Ramſey's *Caſe, concerning a torn Deed of Mr.* S. *with ſome other circumſtance*, 9 *or* 10 Oct. 1638. in Cur'.

If the Defendant in his Anſwer ſet forth a Title to the Land which is good in Law, if he prove it by a ſingle witneſs, it is ſufficient, for this Court will not take the Law from him, 16. Nov. 1635. *in* Reeve's *Caſe.*

If twenty ſeveral men ſay they heard another, who is no party, ſay ſuch a thing, all this is but one extra-judicial witneſs.

If a Cauſe come into Chancery for relief againſt the Common Law, the Court will not allow proof to make a Decree without two witneſſes; but if an Executor be ſued for the debt of the Teſtator, and he proves payment but by one witneſs, the Court will allow that proof, for that will be allowed for a good proof upon a Trial at Law, per Dnm. Cuſtod. 1. Febr. 1630. *And ſo likewiſe upon a diſcharge upon an Accompt, and ſuch like Caſe.*

A ſingle witneſs is ſufficient to confirm a conſideration or Title which is good in Law, but to maintain a matter in Equity, which is againſt

a point or Rule in Law, there must be two witneſſes to make a Decree thereupon, per Dnm. Cuſtod. Magni Sigil. Angl. 3. Nov. 1631. Hob. *Reports* 188.

If the Defendant in his Anſwer do affirm a thing, which is ſeconded by the depoſition of one ſingle witneſs, and nothing is proved againſt it, this was allowed a good proof in Cur, 29. Oct. 1639.

If a Defendant do affirm a thing ſeconded by a ſingle witneſs, and no oppoſition appearing, this is a good proof, and cauſe ſufficient to decree for the Defendant, or to diſmiſs the Bill.

Contempt. *If an Affidavit be made of the ſervice of an Injunction, and he that is ſerved doth deny it upon his examination, upon Interr' and upon a Commiſſion to prove it, one witneſs doth ſwear it, that is ſufficient together with the aforeſaid Affidavit.*

Two Witneſſes for breach of a Decree. *But to prove a contempt for the breach or not performing of a Decree, there muſt be two witneſſes to prove it directly* per Regiſtarios. *One witneſs is ſufficient to prove the ſervice of a* Subpœna ad audiend' judic'.

Witneſs. *A man outlawed is not to be received as a witneſs in any matter*

per

per Dom. Cancell. in Cock and Morgan's Case.

It is an Order in Chancery, that if the Defendants be first examined, you cannot afterwards examine witnesses to convict them thereby of Perjury; but if the witnesses be first examined you may afterwards examine the Defendant. Examination of the Defendants and of Witnesses.

If a man be seized and possessed of Land that is Copyhold, and surrender the same to the use of himself and his Wife for life, and to the heirs of their Bodies lawfully begotten between them, and for the want of such heirs to the right heirs of the said Husband for ever, according to the customs of the Manor; And the custome being such, that the Father dying seized, the youngest shall inherit; the Husband hath two Sons, in this case the Custome is Judge, and shall prevail against the Common Law, and the Land shall go to the youngest, it being a Fee simple conditional rather than an intail.

In this case Non Culp. *is the best plea, for the Freehold is not in the Owner, but in the Lord,* ergo *he cannot plead* liberum tenement.

A Defendant not being a principal Defendant might be read as a witness, if he were examined on the Plaintiff's behalf

behalf in another ſuite between the other perſons, as in the Caſe of Kingſtoll upon Thames, 44 Eliz. 10. Junii 1602.

If there be divers perſons made Defendants to a Bill, and ſome of them are onely named and not ſerved with Proceſs, they may be examined as Witneſſes, ſo as they be examined on both ſides.

Proces *ad audiend. Judicium.*

If a Defendant be ſerved with Proceſs ad audiendum Judicium, *and Affidavit be made thereof, and he appear not, then his Anſwer ſhall be read, and day ſhall be given him to ſhew cauſe why the Cauſe ſhould not be decreed againſt him; the Court may upon hearing the Anſwer read, Decree it preſently.*

Subſcription of Commiſſioners.

Robertus Furſlow miles ſuper veritatem hujus reſpon. ſacramentum ſuum preſtitit apud O. in Com. C. 6 Octobr. Anno reg. &c coram nobis virtute Commiſſionis Domini Regis nobis direct. *H. H. F. F.*

Capta fuit hec Reſponſio apud Civitatem Oxon. x. die Auguſt. Anno regni Domini Car. ſecundi Regis nunc Angl. &c. xxiii. per ſacramen. pred. Defendend. coram nobis Commiſſionariis. *H. H. F. F.*

Captæ fuerunt hæ reſponſiones apud Farnham in Com. Eſſex 4 die Junii

Junii. Anno regni &c. xxiii. super sacramentum Hugonis Carle sen. Eliz. ux. ejus Ed. C. & H. C. fil. eor. coram nobis T. H. B. A.

The Lord Keeper allowed no coſt a-gainſt one Admitted in forma pauperis. *But* 11 *Oct.* 1628 *in open Court declared, he ſhall pay the under-Clerks fees for writing.* No Coſt againſt a Paup.

A party in forma pauperis *ſhall have Coſts, but ſhall pay none.*

Perſons admitted in forma pauperis *ſhall not pay coſts, where cauſes are given in actions at Law by the Statute of* 23 H. 8. c. 15. *and by the Stat.* 11 H. 7. 12. *The Lord Chancellor and Judges may admit* in forma pauperis.

Reſolved by the Lord Keeper, and Maſter of the Rolls, that no man ſhall be admitted in forma pauperis *after the Suite begun, becauſe by that means the Clerks may be defrauded of their former fees,* (Mr. Robinſon) *the Lord Keeper would admit none without ſpecial Cauſe after the Bill exhibited,* v. Tothill, 35.

In all Caſes in Law and Equity a Man and his Wife is but as one Witneſs. Witneſs &c.

If a Witneſs by conſent of parties be examined on both ſides, his teſtimony is without exception.

If

If a Witneſs refuſe to be examined upon a Commiſſion before Commiſſioners, then upon a motion a Subpena is granted to be examined in Court at his own coſts, 27 *Nov.* 1629. *in Court before the Maſter of the Rolles and* Yelverton.

If a Witneſs refuſe to be examined croſs, it argues favour in him, and is a cauſe of exception to his Depoſition, and the other ſide may move the Court that his Depoſition ex parte *may be ſuppreſſed, which the Court will grant* per Cur. 14 & 15 *Octob.* 1633.

Contract for Marriage Portion.

If upon a Marriage the Parent doth ſay, that he will make one Childs portion as good as another at the time of his death, yet this ſhall not bind, unleſs the Contract be ſo ſet down in Writing, or declared by his Will, or proved by ſufficient Witneſs to be part of the contract before, or upon the marriage, and then alſo the Parent is not barred to diſpoſe of, or give away any part of the Eſtate during his life, per Cur. 11 *Octob.* 1628.

Cuſtome de Londres pur Childs Portion.

At the ſame time in the Caſe of Shaw *and* Finch *of* Watford, *his Lordſhips opinion was, that if a man give* 100 l. *to a Child to be paid at the age of* 21 *years, if the Childe dye before, the Executor is to have it, and*

the

the Child cannot give it away, either in his life time, or by his Will; and Mr. Recorder of London *did then affirm, that the Custome of* London *is, that if an Orphan die before 21 years, or within that time doe Marry without the consent of the Mayor and Alderman, that the Portion is to be divided amongst the other Children; and that a Child preferred in the life of his Parent is not to have any part of the said Portion.*

A Citizens Estate of London *is to be divided by the Custome into three parts, his Children one, his Wife another, and the third for him to bestow by Will; but if he deviseth greater portions to his daughters then the custome will beare, that must be taken out of so much of his third part as that will yield; for his Executor without his collaterall consent shall not be bound to pay any more, nor any thing out of his own Estate,* Wilcock's and Daniells Case, 9 May, 1635. Cooke fur. Littleton, fol. 176. 8.

A Cittizen a Freeman of London *deviseth Houses or Lands to be sold to pay Legacies to his Children, that money is not dividable by the Custome of the City, especially when the Legatees accept of such Legacies.* Custome of London.

If a man be Citizen and Freeman of London, *and yet liveth not in the*

City,

City, nor is not well known to be so, and he maketh an Executor, who knoweth not that he is so, and dyeth and leaveth a Wife and Children, who, by the Custome of the City are to have their customary parts, and the Testator deviseth them several Legacies, which they accept, and for which they give Acquittances to the Executor, they shall not compell him to devide the Estate of the Testator, as the Custome goeth, unless they give notice to the Executor, that the Testator was a Freeman and Citizen; and the notice is to be given before many years do passe, after his death, otherwise no notice will serve, for he may pay debts in the mean time.

Notice.

If a Citizen or Freeman of London *do make a Stranger, that is no Citizen, but one who lived in the Country, his Executor, who refuseth to exhibit an Inventory or Accompt, he may be compelled* per Cur. *to doe it.* 23 *Apr.* 1635.

By the Custome of London, *if a Freeman dye without issue, his Wife shall have a moiety of his personall Estate; and if he have Children, his said Estate shall be divided into three parts; And if an Alderman dye without issue, his Funeralls must not exceed* 200 l. *and having issue but*

200 l.

200 l. inter Moulſon & Dnam. Moulſon in Cur. 6 Junii 1640. *the Lord Keeper did allow for the funeral of Alderman* Moulſon 590 l. *whereas* 1700 l. *was beſtowed, and ſo* 1200 l. *was laid upon the Lady* Moulſon's *part and none of it upon the Plaintiffe Mr.* Moulſons *part.*

Allowance for Aldermens Funeralls.

And untill the Funerals be paid, there ought not to be any dividens made of any Cittizens and Freemans Eſtate per Dnm. & per Recordatorem London.

And in this Caſe the Lord Keeper did rule, that if a man by his will doth deviſe a Legacy of Monty to be paid to him at his age of 21 years, and dyeth leaving Aſſets, his Executor ſhall pay intereſt for the money from the death of the Teſtator, untill the Deviſee come of full age.

Intereſt to be paid for a Legacie.

If a Cittizen will give and diſpoſe more by his will then a third part will beare, it is void in Wilcock's *Caſe,* 1635.

Cuſtome *de Londres.*

A Covenant to free Land from Incumbrances, or ſuch like ſpecialties for things that are not grown to a certainty ſhall not ſtay an Executor from payment of Legacies untill ſuch things be ſatisfied, nor ſhall ſtay the Diviſion of a Cittizens Eſtate into three parts, by the Cuſtome of London, 19 *Q.* 1639.

per

per Dnm. & Cur. in *Sir* Nicholas Salter's *case*, *vid.* Hayne *and* Nelson's *case*, *where it is said, that if an Executor pay Legacies (not finding a Decree upon search, which was kept by a Clerk of the Court from inrolling) he shall not be charged with a Devastavit for paying them before the money payable by the said Decree.*

The sufficiency of an Answer.

If the Defendant be charged by the Bill, that the Land is worth 100 l. per Annum, *and he Answers, 'tis worth* 60 l. per Annum *the Answer is sufficient, although he doth not say and no more, but* le use est contr.

A Trust.

A Trust is a thing in action, and therefore it must go to the Executor of the party trusted, and cannot be taken away without some speciall Agreement of the Party in writing, to whose use the Trust is committed.

The Termes of hearing.

One Terme to be allowed between Publication and hearing, except there be special cause to the contrary, per Cur.

Attachment.

Although an Attachment go forth upon an ill ground, yet the party is to performe what the Writ requireth, else he incurreth a contempt (at the Rolls)

The Contract of an Infant.

If an Infant contract for necessary meate, drink or apparel, he shall be bound by it, but if he contract, and afterwards give his Bond for it, the con-

tract

tract is thereby determined, and the Bond is also void, and the party without remedy.

If an Infant be sued in Chancery, and he appear, and be allowed a guardian by the Court; if a Decree be afterwards had against him and his guardian, this shall bind the Infant: but otherwise it is, if an Infant exhibit his bill by his guardian, his act shall not bind the Infant, 11 Nov. 1633. A Decree binds an Infant.

If a Bill be exhibited against an Infant of young years, and he will not appear by his guardian, then by a Subpœna he is to be brought into the Court, to be inspected, and then the Court will appoint him a guardian.

If a Bill be exhibited against an Infant, to examine the tytle of any Lands descended to him from his Ancestors, he may by his Answer shew his Infancy, and so pray Judgement, whether in this case the Suite being to examine the tytle of his Lands descended to him, the parol shall not demurre; so likewise if the Bill be exhibited for the same cause against any other, as Guardian, Friends, or Overseers of this Infant, they may shew the special matter, and so conclude Judgement Si le Court voile *proceed herein before the Infant attain to the age of* 21 *years; but in other cases that concern not Inheri-*

tances an Infant shall answer, so that he be of the age of discretion.

If an Infant sue, or defend by guardian, or by prochein Amy, although such guardian and prochein Amy be outlawed or excommunicated, yet that is no plea to disable him, no more then if my Attorney be outlawed, or excommunicated, yet he may appear for me and plead.

A Purchasor is bound to take notice of a Decree.

If Lands be decreed for an Infant of the age of three years, and in the same Decree it is provided, that A. shall take the rents and profits of those lands to the use of the Infant, and untill the Infant attain his full age; in the mean time, A. bearing himself as lawfull Owner in Fee, selleth the same to B bona fide, for money paid by B. who knoweth not of this Decree, yet is B. bound in Equity, by this Decree, and the Infant may enter upon him at his full age, and B. is bound, at his peril, to take notice of this Decree: So may you see by this course, that every Purchaser is bound to take notice, at his peril, of the Decrees of the Court, albeit he buy of one who is not bound by the Decree, nor any party to the Suit; for it is a plain case, if A. sue B. in Chancery for Lands, and have the same Decreed to him against B. and all claiming by, from, or under B. If B. in this case sell the

the Land, albeit bona fide, *and to one that hath notice, there is no queſtion but his ſale is void againſt* A. *in Equity, for he claimes under* B. *but in our principal caſe the purchaſer claims under none againſt whom any Decree is made, and yet he is bound.*

It was decreed per Cur. *that albeit the Defendant, for the good of an Infant, and for the preſervation of his Inheritance, did ſuppreſs a Deed of Intaile, whereby the Father of the Infant being a great unthrift, if he had taken knowledge of the ſame Deed, might have ſold the Land, and ſo ſtripped the Infant; yet my Lord utterly diſliked that courſe, and Decreed againſt the Defendant, who had bought the Land of the Infants Father, for the good of the Infant, for a ſmall ſum of Mony, the L. Keeper Decreed the Land to the Infant, without regard of the Defendants Mony,* int. Holmden & Reynolds, 15 Octob. 3 Jacobi.

Kerchivall con. Kerchivall 7 Feb. 47 Eliz. *If an Infant ſue in the Chancery, in the name of his guardian, or* prochein Amy, *and thereunto the Defendant anſwereth, and witneſſes examined, and the cauſe come to hearing, and* pendente lite, *the Infant attains his full age; this was moved by the Counſel of the Defendant for abate-*

ment of the Plaintiffs ſuit, when the Cauſe came to hearing; who ſaid, that now there was no plaint in Court, nor no Bill, becauſe the Plaintiffe being attained to full age, the Cauſe of the guardians or prochein Amyes ſuit is ended, and ſo the Cauſe being at an end, the effect muſt ceaſe in it ſelf; but my Lord gave no way to this exception and ſo to avoid Circuity of action, and multiplicity of ſuits, he would proceed to hearing, notwithſtanding the ſaid exception, and did ſo. Egerton.

Vid. Reports, *Fra. More*, fo. 42.

The Proof of a Record by a Witneſs.

Records muſt be ſhewed forth, though proved by Witneſs in the Books, or elſe he failes of his Evidence. Handall and little John.

Office to intitle the King.

It was agreed by Judge Yelverton *and by all the Barr, that untill Office found, whereby a man is found to be an alien, the King is not intitled, and ſhall not have any profits before that time,* 29 Octobr. 1628.

Examination of Witneſſes.

And then it was agreed by the reſt of the Six Clerks againſt Mr. Dewle, *in his own caſe, that if a Witneſs be examined by Com. in the Country he ſhall not be here again examined without ſpecial order of Court.*

If Commiſſioners for the Plaintiffe will examine the Plaintiffs Witneſſes upon the Defendants Interrogatories, or if the Defendants Commiſſioners examine upon the plaintiffs Interrogatories, that courſe is diſliked, per Cur. *If*

If the Plaintiff have the carriage of the Commiſſion, wherein the Defendant joynes, and they agree upon the place for examining, and cannot finiſh, the Court muſt be certified thereof.

A man who was produced as a witneſs in the Chancery, in his depoſitions was found to ſwear falſly in part, and thereupon his teſtimony was utterly rejected. Dalton, fol. 271. Witneſs.

The Lord Keeper did not reverſe a Decree for want of forme, or miſtaking of an Accompt, 9 Nov. 1628. *for that may be helped by a Maſter of the Court.* 6 March. 1668. Want of Forme.

Neither ſhall any one that is a Truſtee, although not named a Defendant, avoid a Decree for that cauſe. A Truſtee not named Defendant, not avoid a Decree.

A perſonal promiſe is not ſufficient to Decree away Land without other circumſtances. Perſonal promiſe.

If a man convey Lands to Feoffees to be ſold to the uſe of his Children, none but the Feoffees, or ſome by their authority, can contract for the ſame. Feoffees in Truſt.

A notice is material, where one hath firſt articled for Land, and another ſeeketh to take the bargain from him, for if the ſecond party have notice, he ſhall not have the bargain. Notice.

If a man contracts to buy of the Lord of the Mannor his own Copyhold or more, for a certain ſum of money, A Copyholder bargaineth with the Lord for his Copyhold.

and afterwards the Lord offereth him the whole Mannor, if the Lord and he doth not afterwards agree, but the Lord selleth the Mannor to another; yet the Lord Keeper did order, that the first bargain for the Copyhold shall not be dissolved thereby 11 Nov. 1628. in Cur.

The Construction of a Will.

A man deviseth to his Wife out of his Land 50 l. per Ann. *untill his Son marry; the remainder to his said son in* T. *and if he marry, the* 50 l. *to be divided, and he to have two parts, and if his Son dye without issue, then his Wife to have the whole; his Son marryeth and levieth a Fine, and suffereth a Recovery, and dyeth without issue: although this barreth the Wife in Law, yet in Equity she shall have the whole, by reason of the intention of the Devisor, and Mr. Recorder vouched* Pell & Browns *case adjudged accordingly,* 17 Jac. in Banco Regis, 11 Nov. 1638. per Cur.

A Lease for years made good.

If a man make a Lease for years, wherein he hath no right, and afterwards he purchaseth this Land, neither he nor his heir shall avoid this Lease by Law or Equity.

Comissioner que refuse examiner come Witnes.

Nota que fuit dit a moy que lou un commission issue hors del Court de gards al quatuor persons ou al ascun deux de eux, & un des Comissioners refuse & les auter trois seant in Com-

Commiſſion ceſtuique refuſe fuit jure & examine per eux come un Witneſs & ceo neſt bone, car coment que il refuſe deſtre Comiſſioner unc' il eſt exclude deſtre jure.

Examination of one as a Witneſs.

If an Adminiſtrator ſue, or be ſued in Chancery, and the ſuite depending, the Adminiſtration be revoked by his practice, to the end he may be examined as a Witneſs, he ſhall not be examined per Dom. Cuſtod. magni ſigilli in Cur. 22 April 1629.

Jointenants and Tenants in Common.

Et per luy 25 Apr. *If a man deviſe a Legacie unto two, and the ſurvivor of them, if one of them ſell his part, and then dyeth, the ſurvivor ſhall not have that part, for it is with him as with two Jointenants, if the one ſell his part the Joynture is broken: And if a man deviſe goods or lands equally divided, or to be divided, the Deviſees are Tenants in Common, and there is no ſurvivorſhip in that caſe.*

Allowance of Coſts beſtowed upon reparation of houſes.

Et per luy eod. die, *If a man poſſeſſed of a Terme for years deviſeth it to his Wife untill ſhe marry, and then to his Son within age, and that during his minority ſhe ſhall take the profits towards educating him; If before Marriage ſhe beſtow Coſts on the Houſes, in repairing of them, ſhe ſhall not be allowed any thing for the ſame, becauſe ſhe doth it as a Tenant bound to doe it; but if during the time ſhe is*

a fiduciary she doth it, she shall have allowance in this Court.

A Mortgage upon payment of a farther sum.

If the Mortgagor after four or five years after the forfeiture, do seek by suit in Chancery to have his Lands again, paying his money with damages, the Court will not therein relieve him without some special cause shewed of that delay; but the use is now, that after the Mortgage forfeited, the Mortgagee preferreth his Bill in Chancery, and thereby sets forth, that he is ready to take his Money with damages, or else desireth to have the said Lands setled upon him, 28 Apr. 1629 in Cur. coram Justice Jones, & Maglstro Rotulor.

A Trust.

Eod. die. *It was agreed against Mr.* Noys *opinion, that* cestuy que use, *or* cestuy que trust *may prefer a Bill in Chancery of himself, if the Feoffees or Trustees refuse to joyn with him, for otherwise Charges or Recognizances* &c. *may be Laid upon the Land to his prejudice; and if he prefer his Bill, and alledge an Assignment or such like, although there be no such Assignment, yet the Bill shall stand.*

No relief in Law nor Equity.

If a man, by his own Act, do disable a thing to be done, which is for his benefit, he shall neither be relieved in Law nor Equity.

If

If a Commiſſion be granted to take an Anſwer in the Country, the Commiſſioners cannot take a Demurrer without ſpecial order of Court, and a Demurrer of one is not to be taken upon Oath, but a plea of matter extrajudicial is to be taken upon Oath, but not upon a Record in Court pleaded.

A Demurrer not to be taken by Commiſſioners.

A Bill upon a debt by Obligation, &c. *that is* 20 *years old, is not to be retained without ſpecial cauſe.*

An old Debt not relievable.

Tithe Hops doe belong to the Parſon, and not the Vicar, per le opinion de touts les Juſtices coe. Mr. Juſtice Yelverton dit in Cur. Cancell. die veneris 8 Maii 1629. vide ſon liver des Reports de 8 Car.

Tithe Hops.

It was ſaid, eod. die, *that if a Bill be preferred againſt a man in Priſon, and he will not anſwer, but ſtandeth out all proceſs of contempt, then he ſhall be ſent for by a Habeas Corpus into the Court, and if he refuſe to anſwer, then a day ſhall be given him to make his Anſwer, and if he doth not then Anſwer, the Bill ſhall be taken* pro confeſſo; *And when he cometh in upon the* Habeas Corpus, *if he be in Execution, he ſhall be ſent back to the Priſon from whence he came, if not, then to the Fleet.*

A Bill taken *pro confeſſo.*

If

Mortgage in the name of an Infant.

If a man take a Mortgage in the name of an Infant, which is forfeited, and dyeth, the Infant shall restore the possession to the Mortgagor but no Decree shall be made against the Infant to reassure the Land untill he come of full age, and then he shall be enjoyned to reassure it: And if the bargain at the time of the Mortgage be, that if the money be not paid at the day, then upon payment of a further sum, the bargain to be absolute, or more money to be lent to the Mortgagor after the Mortgage, or after the forfeiture; Yet if there appear to be no hard dealing, or that the Money be not a valuable consideration, the Court will compell the Mortgagee to reassure the Land upon the Mortgagors payment of all Money and Damages, eod. die & 7 die Maii 1629. per Cur.

Contempt.

If a man be examined upon a Contempt, and denyeth it, then the Plaintiff may have a Commission to examine upon Interrogatories, and prove the contempt by witness if he can.

Assets.

A remainder to one and his heires after an Estate in tayle, is no Assets to the heire in Fee simple, because it is not adjudged to be of any value.

A purchase by the Father in his own and sons name.

If the Father in his own and younger sons name purchase Land to them and their heirs, or the Uncle in his own,

and

and in one of his Nephews names, purchase Land to them and their heirs, and dye, the Land must come to them accordingly; but if the Father or Uncle do after the Purchase make Leases, they shall bind for a moiety, 16 Maii 1629. 5 Car. Yelverton.

If a man exhibit his Bill in Chancery, and afterwards desire to withdraw his Bill, he shall pay Costs to all the Defendants severally, unless the Court doe order a certain sum for all the Defendants jointly for their costs cod. die. Costs.

No Demurrer to be allowed after Replication. Demurrer.

If an Administrator or Executor exhibit a Bill, an Utlawry in them is no plea, per Dominum custod. 18 Maii 1629. in Cur. & per luy, *if an Utlawry or other plea be pleaded, and is overruled, no other plea shall be after pleaded, but the Defendant must answer.* Utlary pleaded. No more Pleas then one to be allowed.

No Witness examined after publication without special order. Witnesses after Publication.

If upon a Dedimus potestatem *to take an Answer, the Commissioners do take a Demurrer, if upon return thereof it doe appear to be an Answer, it is to be taken, or else he may then demurr, for it is not a double delay.*

If a Bill be exhibited against a Pri-

Prisoner who will not answer, an Attachment being entred against him, a motion must be made for a Habeas Corpus *to bring him to the Bar, to shew cause why he does not Answer, and the Fees which the Plaintiffe pays are,*

For allowance of the Habeas Corpus——— 00---02---04

For the Tipstaffe bringing him into Court ——— 00---06---08

For the Deputy-Marshall's fee ——— 00---03---04

To the Six Clerk to present the Prisoner to the Court — 00---03---04

The Warden of the Fleet claimes for his Fee, though the Prisoner be brought from the King's-Bench — 00---06---08

If the Prisoner be brought up with his Causes, then you must pay for transcribing the causes, 4 s. for the first Cause. ——— 00---04---00

For every cause more, if there be more then one ——— 00---02---00

If

If the Priſoner be turned over to the Fleet, then the Marſhall's fee for his Diſcharge is—— 00—17—00

And the Clerk of the Petty-bag for entring his cauſes in the Petty-bag, if he be turned over, for the firſt cauſe—— 00—04—00

For every Cauſe more 00—02—00

Michaelmas Terme. 1678.

Chiverton *having a Mortgage on Coll.* Sandys *Eſtate for* 5000 *and odd pounds, on which* Thompſon *had a puiſne Mortgage for* 1700 *l. of the ſame Lands, and by the ſame Deed; for it is firſt to* Chiverton *for* 3000 *l. and then* Chiverton *and* Thompſon *lends more money; and then by the Deed it is declared, that after* Chiverton's *debt paid, he ſhall ſtand ſeized for* Thompſon: Chiverton *exhibites his Bill againſt* Thompſon, *either that* Thompſon *may pay him his Mortgage, or be foreclo ſed of the Equity of Redemption: Upon long Debate, and the Court having taken*

time

10 Nov. 1678. *time to consider of it, dismissed the Plaintiffs Bill with reasonable costs.*

21 July, 1679. Per Dom. Canc. *That all persons to be examined upon contempt shall have Copies of Interrogatories before he be examined.*

The Lord Chancellor declared, he would never relieve against an Award, where the Arbitrator is of the parties own choosing; for he makes the Arbitrator his Judge, and shall be bound by his Award.

Hodges *and his* Wife, *versus* Dakin, *some day after* Michaelmas Term. 1679.

The Plaintiffs wife being an Executrix, paid the Defendant without Suit a Legacy, afterwards Debts were discovered, and the Bill was for Defendant to pay back the Legacy, to inable Plaintiff to pay the Debt. Court dismissed this Bill, for that Plaintiff paid the Legacy to Defendant voluntary, and without a Decree being first had against her; If the Plaintiff had been compelled by Decree to pay, my Lord declared he would have relieved the Plaintiff.

A Bill brought by Creditor against Executor and Legatee, in this case no doubt would make Legatee refund.

27 Novem.

27 Novem. 1674.

Blockley and Eldridge.

Blockley *being an Apprentice to Defendant a Haberdasher of small Wares, with whom the Defendant received* 135 *l. and the Defendant having abused the Plaintiff in his service, and the Plaintiff being by the Chamberlain of* London, *and afterwards by order of the Lord Mayor's Court, upon Plaintiffs Petition there according to Custome; discharged of Defendants Service, after Plaintiff had served four years and an halfe; The Plaintiffs Bill being to have back a reasonable part of the* 135 *l. The Lord Keeper* Finch *decreed him* 50 *l. of his money, and Costs of Suite, to be paid by Defendant: And in this Case was cited the Case between* Head *and* Mayo, *where Mr.* Mayo *dying within two Monethes after he had received* 150 *l. with Mr.* Head's *Son as Apprentice, Mr.* Head *had a Decree for his Money (by Keeper* Finch*) deducting an allowance for his Dyet and Maintenance the two Monethes he lived with Mr.* Mayo *before his death.*

13 Nov.

Harrington, *alias* Botham.

13 Nov. 1675. *Creditors preferred Bill in Chancery to have a discovery of Bankrupts Estate in Defendants hands, and entitled themselves by Assignment from the Commissioners, and upon Defendants Demurrer, my Lord ordered the Defendants to Answer, and said, It had been well enough if Commissioners had made no Assignment, nor executed their power; the Act which gave Commissioners power hath no Negative words to exclude this Court.*

No Bill to examine Witnesses in perpetuam rei memoriam, *against a purchaser*, per *Lord Keeper*.

A man makes a Deviſe of Lands to pay his Debts, this revives a ſuit for a ſimple contract, notwithſtanding the ſix years elapſed ſince firſt cauſe of Action.

Blackwell

Blackwell, *versus* Geering, Feb. 12. 1676.

Bill against defendant for ſmall Tythes; defendant demurred, and afterwards being a Quaker, was proſecuted to a Sequeſtration for want of an Anſwer; and this day the Plaintiff's Bill being read, was decreed pro confeſſo *againſt defendant, notwithſtanding it was ſtrongly inſiſted as in Sir* William Denny's *caſe againſt* Filmer, *that no ſuch Decree ought to be unleſs defendant be taken and brought in perſon into Court to hear the Bill read.*

Clobery's *Bill to be relieved for a Legacy given to his daughter, to whom he is Adminiſtrator, the defendant is Executor of one* Clobery; *The Teſtator who gave the Legacy in theſe words;* [*I give* Clobery 500 *l. when ſhe attaines the age of* 21, *to be paid with intereſt*] *the Legatee dyed about* 10 *years before her age of* 21. *Reſolved and decreed; firſt that the Legacy is payable to the Adminiſtrator, the Plaintiff to be paid with intereſt, differencing it from the ordinary caſe, and the difference allowed where Legacy is given when* 21, *and when given to be paid at* 21, *and ſo here the*

Clobery and *Lampen* Trin. 1677. Cauſe heard again upon motion firſt Seale before Michaelmas Terme 1677.

Administrator well intitled, notwithstanding Legatee never attained her age of 21. 2. It was decreed, the 500l. to be paid by the defendant, at the time when the Child, the Legatee, should have come of full age of 21, and not before.

9 June, 1680. Lord *Finch.*

Lord North *and his Wife Plaintiffs, against Lord* Gray *of* Warke *Defendant.*

The Bill was, that one of the defendants, the Lord Gray's *Ancestors settled the Estate in question on the Plaintiff the Lady* North, *and the heirs of her body, that the Deed was lost, or in defendants hands, and that Plaintiffs may examine witnesses* in perpetuam rei memoriam *was the end of the Bill; The defendant answered the whole Bill; but as to the Plaintiffs examining Witnesses* in perpetuam rei memoriam, *or to proceed any further (the defendant having answered) the defendant demurred, for that the Plaintiffs might try their pretended title by ejectment at Law, and there being no impediment at Law, but that they might try their Title, and for that the Plaintiff had not had this Deed, and pretended title, affirmed by any tryall at Law;*

And this Demurrer was allowed upon great debate.

Michael-

Michaelmas Terme, 1678. in an Afternoon at my Lord Chancellors House.

Strode and his Wife Plaintiffs, against the Executors of Mrs. *Cleyton*.

Mrs Cleyton *having several parcells of Plate of her own, and several other parcells of Plate Pawned, or Mortgaged to her for Moneys by her lent a little before her death, bequeathed all her Plate to the Plaintiff* Strode's *Wife; And the question being, whether the Mortgaged Plate, as well as the Testatrix own Plate should pass to the Plaintiff by this bequest. My Lord Chancellor was of opinion it did, and decreed her the Mortgaged Plate, as well as the Testatrix owne Plate.*

About 6th *December* 1677. at Lord Chancellor *Finches* House in Queenstreet.

Wollaston & ux. con. Swetnam.

Wollaston, *and his Wife as Admin. of* Peter Swetnam *her late husband, preferred their Bill* (inter alia) *to be relieved for* 200 *l. as being a fifth part of* 1000 *l. deposited by the defendant* Thomas Swetnam, *in such manner as* William *should think fit; and* William *insisted he had power to dispose of*

the 1000 *l.* among the five Children as he pleased; that Peter the Plaintiff's Husband married the Plaintiff during his Apprentiship, and was since dead; and therefore conceived he might dispose of the 1000 *l.* among the other Children as he pleased: This Cause being heard at the Rolles, and the Case being as before, the Master of the Rolls decreed William to pay 200 *l.* to the Plaintiffs as Administrators of Peter, being one whole fifth part. And on the Appeale to my Lord Chancellor, he was of opinion, that William might dispose as he pleased, and dismiss Plaintiffs Bill as to this demand; it was the onely point in the Cause on which it came to be re-heard; And it being insisted on, that in a late case between Kaisor and Parrott, my Lord had determined, the defendant had not power to dispose at her will; his Lordship declared, he determined that point against the defendant upon another reason, the defendant being afterwards married, and having promised to let the then Plaintiff have her share of the money to be distributed.

Jovis

Jovis 4 July. 1678.

Woodman vergus Moren and his Wife.

Woodman *in* 1660, *took a Mortgage in the defendants Wife the Plaintiffs daughters name, and a year or two after took an absolute surrender (the Premisses being Copyhold) to his daughter and her heir, and paid* 4000*l. for the Purchase, and in* 1666 *defendants intermarryed, and the Plaintiffs Bill was, to have a Conveyance from the defendants, the Surrender to defendant being a trust (as the Plaintiff alledged) for the Plaintiff and his heirs, he having been all along in possession, and paid the Purchase Money. The Cause was first heard before Mr. Justice* Atkins, *who decreed for the Plaintiff, that the defendant should Convey to him; But the defendants Counsell Appealing, the Cause was this day reheard, and my Lord Chancellor* Finch *took it to be originally a Preferment for the defendant the Plaintiffs daughter, and so dismist the Plaintiffs Bill.*

If an Infant of the age of 20 years, and hath reason and wisedom to govern himself, selleth his Land, and with the Money buyeth other Land of greater value, and taketh the profits, yet the Infant may enter into his first Land again, because the contract, after the Maxims of the Law, is void, and is only bound to repay the Money in Equity, with reasonable costs and charges susteined thereby.

If a man that hath Lands for terme of life be impannelled upon an Enquest, and thereupon looseth issues, and dyeth, those issues shall be levyed upon him in reversion by Law and Conscience.

If a man enfeoffe another in certain Land, upon condition, that if he enfeoffe any other, that it shall be lawfull for the Feoffor and his heires to re-enter; this condition is void in Law and Conscience; forasmuch as the intent of the Feoffor is against Law, and there is no recompence appointed for the Feoffment; but if the condition had been, that he should not have enfeoffed such a man, or such a man, it had been good, for yet he might enfeoffe others.

The intent of the party is void, if it be against the Law.

If

If a man of his mere motion, without any recompance, intending to give Lands to another and his heires, makes a Deed, whereby he gives it to him for ever, intending by the word (ever) the Feoffor ſhall have the Land to him and his heires. The intent is void, and the Feoffee onely Tenant for life.

If a man give Lands to another and his heirs for twenty years, intending that if the Leſſee dye within the terme, his heires ſhould have the remainder of the terme, the intent is void: for, by Law, all Chattels reall and perſonal go to the Executors.

If a man give Lands to a man and his wife, and to a third perſon, intending that every of them ſhould take a third part of the Land as three common perſons, his intent is void; for the husband and wife, as one perſon in Law, ſhall take onely one halfe, and the third perſon the other halfe. But theſe caſes are alwayes to be underſtood where the Eſtates are made without any recompence.

If a Fine with Proclamations be levied according to the Statute, and no claime made within five years, the right of all others is extinct thereby, both in Law and Equity.

A Bill cannot be Decreed to be taken pro confesso *against a defendant that stands out all Process of contempt, unless the defendant did once appeare to the Bill.*

WAST.

WAST.

{1. Voluntary.
2. Permiſſive.}

In an Action of Waſt, the party ſhall loſe the place waſted, and treble damages.

Waſt lies againſt Tenant by the Curteſie, for life, years, or halfe a year, tenant in Dower, or Guardian in Chivalry, by him that hath the immediate Eſtate of Inheritance.

It lies not againſt Guardian in Socage, nor againſt Tenant by Elegit, Statute Merchant, or the Staple, nor againſt Tenant at will; but if ſuch Tenant voluntary pull down the Houſes, or cut down the Timber Trees, the Lord may have an Action of Treſpaſs, but for Permiſſive Waſt hath no remedy.

No perſon ſhall have an Action of Waſt unleſs he hath the immediate Eſtate of Inheritance, but ſometimes another

another ſhall joyn with him for conformity.

The heire ſhall not have an Action of Waſt for the Waſt done in the life of the Anceſtor; nor a Biſhop, Maſter of an Hoſpitall, Parſon, &c. in the time of the Predeceſſor.

If the Leſſee for years commit Waſt and dye, no Action of Waſt againſt his Executors or Adminiſtrators for Waſt done before their time.

To

To procure a Commiſſion for a Maſter extraordinary in the Country, there muſt be a Certificate from ſome Gentlemen in the Country that there is occaſion for a Maſter there; that the perſon that deſires it is a fit perſon to be intruſted in ſuch Commiſſion, and Loyal to the King, and Conformable to the Government.

Upon which Certificate the Lord Keeper grants his Warrant, under his hand, to the Clerk of the Petty-bag, requiring him to prepare a Commiſſion directed to three perſons, giving power to them, or any two of them to Adminiſter the Oaths of Supremacy and Allegiance, as alſo of that of Maſter in Chancery Extraordinary, unto the party deſiring the ſame.

For which is paid to the L. Chanc. Secretary 5 l.

Then the Clerke of the Petti-bag makes the Writ, for which he is paid 01 l. 13 s. 04 d. in which Writ the Oaths to be adminiſtred are ſet forth verbatim.

The Commiſſioners on the back of the Writ make their Return thus (viz.) Virtute iſtius Commiſſionis nobis &c. *al.* in eadem Commiſſione nominat. direct. die Anno infraſcript miniſtravimus ſeparal. ſacra, in eadem Comiſſione ſpecificat. infranominat. *G. W.* prout

If all three Commiſſioners are preſent, then (&c.) is omitted.

prout per eandem Commission. nobis præcipitur. *A. B. T. P. W. R.*

Which being Returned, the Clerks of the Petty-bag inrolls the same in the Office, and gives Certificate, or Memorandum under his hand thereof, which is the Masters Warrant for execution of his Place, for which is paid 15 *s.* 10 *d.*

So the whole charge is 71. 9 *s.* 2 *d.*

Obser-

Observations in CHANCERY.

IF a Woman pending a Treaty of Marriage, convey away her Estate in trust to defeat her Husband, that Assignment is not good, being to defraud her Husband, and destroy the intent of the Marriage Agreement; and such Conveyances were set aside in the Case of Sir Phillip Howard, *and of Sir* Edward Turner *in the House of Lords.*

BIll to set aside a Decree in the Great Sessions in Wales, to which the Defendant pleaded the Decree made in that Court, which was allowed 14 July 1683. Jennet con. Bishop.

A Plea to a Bill of Appeale, from a Decree in the Court at Chester, was argued and allowed, 14 July, 1683. Portington con. Tarbuck.

E. of *Mackerfield* con. *Fitton.* *A Mortgagee Assigned without the privity of the Mortgagor, and the Assignee exhibited a Bill, that the Defendant might redeem, or be foreclosed; and Decreed, the Defendant pay Interest for the Interest paid by the Assignee to the first Mortgagee, though the same was Assigned without the privity of the Mortgagor.*

Lady *Glemham* con. *Struteville.* *The like Order made per Dn'm Guilford, In the Lord Chancellor's time it had been otherwise ordered.*

Glemham con. *Newson.* *Admittance of a Tenant for life & the admittance of those in Remainder, but the Lord is to have a Fine when each Estate falls.*

Denny con. *Fibner.* 6 Febr. 1682. *A Bill of Review on a Bill of Review not admitted, but the Demurrer thereto allowed, per L. Keeper* Guilford.

Howard, con. Duke of *Norfolke.* *Bill* (inter al.) *to have a share of Duke* Tho. *personal estate, according to the Act of distribution of Intestates Estates, Defendant demurred, for that ought to have a distribution in the Spiritual Court, and over-ruled*, 6 Febr. 1682. per *L. Keeper* Guilford.

Depos.

Depoſitions in one Cauſe not uſed in another, though for the ſame matter, both ſuites being for Legacies, and the proofs onely to diſcover Aſſets; but muſt examine over again unleſs both ſides conſent, per Dnum Cuſtod. 6 Junii, 1685. *Howard* con. Chriſt's Hoſpitall.

Lady Bodmin *recovered Dower at Law, but a Leaſe for* 900 *years, and a Statute, were ſet up, that ſhe could not have execution at Law, and brought her Bill here to have thoſe Incumbrances ſet aſide, and Decreed, thoſe two Incumbrances ſhould not ſtand in her way to hinder her of execution, although* Vandenbende *was a purchaſor of the Eſtate*, per *Lord Chancellor* Jeffreys, 20 May, 1686. Lady *Bodmin* con. *Vandenbende.*

20 May, 1686. *The Defendant having put in a very Scandalous Anſwer to the Plaintiffs Bill, and being ſo reported, The defendant filed Exceptions to that Report; upon the hearing of the Exceptions, the Court ordered ſearch to be made for preſidents, as to what fine or damages might be awarded againſt the defendants in ſuch caſes. And the next day did order the defendant to pay the plaintiff* 100 l. *in reſpect of the Scandall. And Mr.* Henry *Whitlock* con. *Marriat.*

Henry Ryley *a Sollicitor for the de-*
fendant, having put in Exceptions to
the Report, which were equally ſcanda-
lous with the Anſwer, and put a Coun-
ſellors hand to them, who diſowned it;
Ryley *was Fined* 20 l. *and both the*
defendant and Ryley *to ſtand commit-*
ted till their fines paid, and Ryley
never to practice more: whereof pub-
lick notice to be ſet up in all the Offices
of the Court of Chancery, 22 May,
1686. per Domin. *Jeffreys* Canc.

Affidavits

Orders of Court

For the

Regulating the Practice thereof.

Lunæ vicesimo nono die Octobris Anno Regni Regis *Caroli Secundi* tricesimo quinto, Annoque Domini 1683.

WHereas in Easter Terme, One Thousand six hundred Seventy six, an Order of Court was made for the giving Rules for further Answers, in stead of serving Process of Subpena, and the other ordinary Process which had been served before the first Answer. Upon

consideration had of the said Order,
and for that it is prejudicial to His
Majesty in His Duties upon the
Sealing of Writs, and to the Clerks
of the Court, and not importing
that Benefit to the Suitor that may
countervaile the same. Exceptions
to Answers being often very nice
and arising very often more out of
vexation than out of necessity, and
therefore not to be favoured. His
Lordship doth therefore discharge
the said Order; and order, that all
Suits shall proceed by the ordinary
Process of the Court as formerly.
And for a Remedy for those delays
for which the said Order intended
to provide, his Lordship held it suf-
ficient, and doth order, that in all
Cases of Overruling of Pleas, and
Demurrers, and Reporting of An-
swers to be Insufficient, the Process
of Subpena may be returnable im-
mediate, and the service of the
Clerk in Court shall be sufficient ser-
vice, and all further Process may be
made returnable immediate, until
such time as the party shall ar-
rive to such Process as he had for-
merly against the Defendant, and
then he is to take his Process with
ordinary Returns, and to be execu-
ted according to the ordinary course
of the Court.

Lunæ

Lunæ vicesimo nono die Octobris Anno Regni Regis *Caroli Secundi* tricesimo quinto Annoque Domini 1683.

THe Right Honourable, the Lord Keeper of the Great Seal of England, *taking into his most serious Consideration the delays and great expence that do happen to Suitors, by Exceptions taken to Masters Reports, made in pursuance of Orders upon hearing, and especially such whereby Accompts are directed to be taken, which, his Lordship conceives, might be in a great measure prevented, if the Master were informed of the matter of such Exceptions before the signing and allowing of the said Report. His Lordship doth therefore order, That every Master of this Court, to whom any Accompt is referred, or other matter, upon any Order upon hearing of the Cause, when he hath fully heard both parties, and prepared his Report, shall, at the Request of either party, give out a Summons, that both parties, or some for them, shall again attend him, who shall have liberty to peruse such his Report, or take a Copy thereof. And that such person as*

is dissatisfied therewith, doe, within four dayes next after such Attendance, bring a Note in Writing of their Exceptions thereto, and take out a Summons to be heard thereupon. And then the said Master is to settle and finish his Report, as he shall find just. And it is further Ordered, that when, upon hearing of Exceptions, it shall appear to the Court, that the party excepting did not offer his Objections before the Master, because he depended upon his Appeal to the Court, and sought delay; in such case, though the Exceptions shall be allowed, yet the party for his neglect, and occasioning trouble to the Court, and charge and delay to his Adversary, shall pay such Costs as the Court shall think reasonable. And it is further Ordered, That where, by special Order, the Court shall admit Exceptions to any Report, whereby Money is Reported due, after the time wherein such Exceptions should regularly have been filed, No Proceedings upon such Report shall be stayed, without giving Security, or bringing the Money Reported due into Court. Unless the Court shall Provide otherwise by particular Order.

Ordo

Ordo Curiæ 12 May, 1686.

IT is this day Ordered by the Right Honourable the Lord High Chancellor of England, That no Releaving or Appeale shall for the future be granted, but the party appealing shall depoſite in the hands of the Regiſter the ſum of 5 l. to recompence the other party in Coſts, in caſe on ſuch rehearing he ſhall not be relieved; And when any rehearing is granted, ſuch rehearing ſhall not any way ſtop, or hinder any proceedings on the Order or Decree appealed from, without the ſpecial order of this Court; but the party in poſſeſſion of any Order or Decree appealed from, ſhall be at liberty to proceed thereon, as if no appeale or rehearing was granted.

Ordo Curiæ 3 April. 1686.

WHereas by an Order of the 12 of February, 22 Car. II. It was ordered, That every perſon that ſhould put in Exceptions to a Maſters Report, ſhould, beſides the 40 s. depoſited, upon exhibiting the ſame, pay 10 s. for other coſts for every Exception and diſtinct branch of an Exception, which ſhould, upon the hearing thereof, be overruled; which ſaid Order having not of late been obſerved; And the Right Honourable the L. High Chancellor

cellor of England, taking notice of the trouble and loss of time to the Court, and expence and delay to the Suitors, occasioned by putting in Exceptions to Masters Reports, many of which do prove frivolous and vexatious; doth, for prevention thereof, declare and order, That the said Order of the 12th of February aforesaid, be revived, and duly observed: And doth further order, That for the future, where any Plaintiff, or Plaintiffs shall take Exceptions to a Defendants Answer and shall appeale to the Court for their Judgment thereon, from the Report of any Master, such Plaintiff or Plaintiffs shall pay 10 s. for every Exception, or distinct branch of an Exception, which, upon their hearing thereof shall be likewise overruled as frivolous, beyond the costs which by the course of the Court he or they are to pay.

Ordo Cur. Veneris 29 April. 1687.

WHereas by experience great inconveniencies have happened in several causes by the exhibiting Interrogatories, which are impertinently drawn into great length; whereby the Suitors have been put to great and unnecessary charge. As also leading Interrogatories, whereby witnesses, by turning

the

the Negative into the Affirmative, are lead to Swear to the whole Contents of an Interrogatory, and oftentimes thereby ignorantly drawn to forswear themselves, which in all times have been suppressed, and deemed great abuses. Now for prevention thereof for the future, It is this day ordered by the Right Honourable the Lord High Chancellor of England, *That from and after the first day of June next, no Interrogatories shall be exhibited for the examination of any Witnesses, in any Cause depending in this Court, whether in Court in the Examiners Office, or by Commission in the Country, before such Interrogatories shall be either drawn, or perused by Counsell (after due consideration had of the Pleadings) and signed by them. But all Counsell are to take care, that no Interrogatories do slightly past their hands, contrary to the true intent and meaning thereof, least they incur the displeasure of the Court therein. And that all Depositions taken contrary hereto, shall stand suppressed.*

Ordo Curiæ 6 Aprilis, 1687.

WHereas for preventing of differences that did arise upon Decrees and Orders pronounced in open Court, the Right Honourable the Lord High Chancellor of England, *hath, from*

from time to time, caused all Minutes to be Read in open Court, that the Counsell at the Bar, and other persons concerned, might take notice of what did concern their respective Clyents, and speak for the rectifying thereof, or adding thereto as occasion offered, whilst the matters were fresh in the memory of the Court; And hath several times given directions, that afterwards none should presume, either to petition, or move the Court, complaining against any Order agreeing with the Minutes, except the Minutes should, after the Reading thereof, be altered, or the Register shall faile in doing of his duty pursuant thereto, without consent; and yet for want of due regard thereto, several Petitions have been since causelesly preferred: His Lordship doth therefore this day order, that due observation be given by the Parties concerned, when any Minutes are read in Court, to the end that no further complaints may be made against the Officer, or the Minutes by him taken in Court, except as aforesaid. And to the end no person may plead ignorance hereof, his Lordship doth direct, That this Order be fixed up in the Offices of the Six Clerks, and Register of this Court, that all due obedience may be given thereto.

Affidavits

Affidavits in Chancery.

On the ſerving of a Subpœna.

Inter R. S. *Quer'*,
G. J. R. H. & S. B. *Def.*

THE Plaintiff maketh oath that on the, *&c.* he this Deponent did ſerve the Defendant *G. J.* and on, *&c.* did ſerve the Defendant *R. H.* and on, *&c.* did ſerve the Defendant *S. B.* with a Writ of *Subpœna* under Seal of this honourable Court, by delivering unto the ſaid *G. J.* and *S. B.* two ſeveral Labels thereof, and by ſhewing them the body of the ſaid Writ under Seal, and by delivering the body of the ſaid Writ unto the ſaid *R. H.* by which Writ the ſaid Defendants were directed to appear in the ſaid Court the, *&c.* next at this Deponent's Suit.

Jur' 22. *Aug.* 1673.

Another on the ſerving a Writ.

T. A. Gent. maketh oath that he this Deponent on the, *&c.* laſt paſt, did ſerve the ſaid Defendant *J. R.* with a Writ of this honourable Court, by delivering the ſaid Writ

under Seal unto the ſaid *T. R.* by which Writ the ſaid *T. R.* was directed to appear in Court the firſt Thurſday in the next Term, according to an Order of, *&c.* made in this Cauſe.

On the ſerving a Warrant.

R. S. maketh oath that he this Deponent on the, *&c.* did ſerve the Defendant with a Warrant under the hand of *D. A.* one of the Maſters of this Court, bearing date the, *&c.* by delivering unto him the ſaid Warrant, by which Warrant the ſaid Defendant or his Council, or ſome for him was appointed to be preſent before the ſaid Maſter, by virtue of an Order out of this honourable Court of the fifth of *March* laſt paſt.

On the ſerving an Order.

W. P. maketh oath that he this Deponent on the, *&c.* did ſerve *M. W.* the Defendant's Sollicitor with an Order made in this Cauſe the, *&c.* by ſhewing the ſaid Order under the hand of the Regiſter of this Court unto the ſaid *M. W.* and by delivering unto him the true Copy thereof, by which Order the Defendant upon notice to the Sollicitor is to attend the right honourable the Lord Keeper of the Great Seal of *England* to morrow by Seven of the Clock in the ſaid Order mentioned.

On the ſerving Interrogatories.

C. C. maketh oath that he this Deponent on the, *&c.* did leave with *W. M.* the Plaintiffs Clerk a true copy of certain Interrogatories exhibited in the Examiners Office for the Examination of Witneſſes for the Defendant.

On the ſerving an Execution upon a Decree.

T. E. maketh oath that upon the, *&c.* he this Deponent did ſee *N. P.* ſerve the Plaintiff with the Writ of Execution of a Decree made in this Cauſe by ſhewing the ſaid Writ under Seal unto the ſaid Plaintiff, and delivering unto him a Copy thereof, by which Decree and Writ the Plaintiff was to, *&c.* in the ſaid Decree mentioned.

On the ſerving of a Perſon for Coſts, the Coſts not being paid to the Deponent.

[This Writ muſt be ſerved on the Perſon.]

E. N. maketh oath that on the, *&c.* he this Deponent did ſerve the Plaintiff with a Writ of *Subpœna* out of this honourable Court by delivering the ſaid Writ under Seal unto the Plaintiff, by which Writ the Plaintiff was injoyned to pay the Sum of, *&c.* unto the Defendant. And this Deponent farther maketh oath that he this Deponent did then demand the ſaid Sum of, *&c.* of the Plaintiff, for the

Defendant's use; but the Plaintiff did not then, nor hath at any time since paid the same to this Deponent, nor to the Defendant, nor to any other to his use to the Defendant's knowledge.

On the serving an Order.

J. S. maketh Oath that on the, *&c.* he did serve *M. J.* who dealeth for the Defendant in this Court with the Order annexed by shewing the same, and delivering a true Copy thereof unto *J. B.* servant of the said *M. M.* at his said Master's Seat in the Six Clerks Office.

Of tendring Money into the Court, and of refusal of receipt thereof.

E. E. and J. S. make oath that this present day being the Ninth of *July*, One thousand six hundred sixty nine, between the hours of two and four of the Clock in the Afternoon thereof, the said *E. E.* did in the Middle-Temple Hall, *London*, in the Plaintiffs behalf tender to be paid the Sum of Nine hundred pounds and seven shillings unto the Defendant *W. P.* who would not accept thereof, but did then and there refuse to receive the same.

An Affidavit for appointing ſuch a time for the executing a Commiſſion as the Defendant's Commiſſioners could not attend.

The Defendant *R. W.* maketh oath that the time appointed by the Plaintiffs Commiſſioners for executing the Commiſſion taken in this cauſe was at ſuch a time as the Defendant's Commiſſioners could not be preſent at the executing thereof ſo as he hath not examined any of his Witneſſes, having ſeveral very material Witneſſes to examine, the want of whoſe teſtimony will hazard his Cauſe.

On giving notice of a Motion.

E. N. maketh oath that on the, *&c.* he did leave notice in writing at the Seat of, *&c.* in the Six Clerks Office (who, as he is informed and believes, is the Attorney that deals for the Plaintiff in this Cauſe) That the Defendants did intend by their Council to move this Court on, *&c.* or as ſoon after as their Council could be heard.

Of endeavouring to ſerve a Defendant with Proceſs that obſcures her ſelf.

H. B. maketh oath that he well knoweth the Defendant *J. W.* and hath on the Plaintiff's behalf very much endeavoured to find her to the intent to ſerve her with Proces of *Subpœna*

at the Plaintiff's Suit, but hath not been able to find her ſo to doe, or the place where ſhe reſideth, although he hath been very diligent therein, and is well acquainted with divers of her Acquaintance and Relations. And this Deponent farther maketh oath that he believeth that the ſaid *J. W.* hath not for the ſpace of four Months laſt paſt dwelled at any ſettled place of abode or habitation, but doth ſhift from place to place, as this Deponent verily believes on purpoſe to obſcure her ſelf from the Plaintiff and others who have cauſe of Suit againſt her.

Of the Truth of a Bill.

H. B. maketh oath that he hath peruſed the Plaintiff's Bill exhibited againſt the Defendants, and was privy to all the matters and paſſages therein alledged touching the Mortgage of the Capital Meſſuage and premiſſes therein mentioned. And farther maketh oath that the 200 *l.* Bond therein mentioned was entred into by the Defendants *L.* and *H.* unto, and taken in the name of the ſaid *F. W.* therein named for 100 *l.* part of the Mortgage money, for which the ſaid Mortgage was made, and that the whole money payable upon the ſaid Bond doth belong unto the Plaintiff, the Lady *M.* And this Deponent farther maketh oath that the whole ſubſtance of the Plaintiff's Bill, and the matters contained in his ſaid Bill are true.

A

Affidavit by an Attorney at Law according to an Order in Chancery on the behalf of his Clyent.

Whereas by an Order made in this Cause the, &c. day of, &c. it was Ordered that leaving a *Subpœna* with the Attorney at Law who profecutes the Action upon a Bond in the said Order mentioned on the behalf of the said *J. W.* may be good ſervice of the ſaid *J. W.* *J. S.* maketh oath that on the ſecond day of *June* inſtant he did deliver unto and leave with one *R. N.* who is Attorney at Law for the ſaid *J. W.* in the ſaid Action, a Writ of *Subpœna* under the Seal of this honourable Court.

An Affidavit of the Service of a Decree.

Inter R. N. *Quer'*
R. S. *Defend.*

A. B. maketh Oath, that he having a Writ of Execution of a Decree, and ſeveral ſubſequent Orders made in this Cauſe under the Seal of this Court whereby the Defendant is forthwith to pay to the Plaintiff the ſum of, &c. did upon the tenth day of *F.* laſt perſonally ſerve the ſaid Defendant with the ſaid Writ of Execution, by delivering unto him a Copy thereof, and then ſhewing unto him the ſaid Writ it ſelf under the Seal of the ſaid Court, he being then at his houſe in the Pariſh of, &c.

in the County of, *&c.* And at the same tim this Deponent shewed unto the said Defendan a Letter of Attorney under the Complainan Hand and Seal impowering this Deponent t ask and receive of him the said Defendant th sum of, *&c.* and upon receit thereof to giv him a Discharge for the same: A Copy o which said Letter of Attorney this Deponen then also left with the said Defendant, o whom this Deponent did at the same time de mand the said sum of, *&c.* but the said Defen dant did not then pay the same, or any par thereof to this Deponent, but absolutely re fused so to doe, nor hath he yet paid the sam to this Deponent, or to the Plaintiff, or t any other for his use, to this Deponent knowledge.

Jur', &c.

Affidavit that one of the Parties is gone to the West-Indies.

Inter L. C. *&* S. *Ux' ejus quer'*
H. N. *vid. Executr'* W. N. *Def.*

The Complainant *L. C.* maketh Oath tha *W. N.* in this Deponent's Bill, and the An swer of the Defendant named, son of the Com plainant *S.* by a former Husband, took a Voy age beyond the Seas in or about the Month o *M.* in the year of our Lord 1668. into th West-Indies, and is not yet returned, to thi Deponent's knowledge.

Jur', &c. *Aff*

Affidavit to be made before a Maſter in Chancery, before the ſuing out a Commiſſion of Bankrupt.

J. A. maketh Oath that *R. B.* of the City of *L.* Merchant, is truly and juſtly indebted unto this Deponent in the ſum of 100 *li.* and upwards, and that he is become a Bankrupt within the true meaning of one or ſome of the Statutes made againſt Bankrupts, as this Deponent believeth.

Jur', &c.

☞ "*Note*, The Creditors muſt name ſeaven Commiſſioners, whereof three muſt be Eſquires; of whom the Lord Chancellor ſtrikes out two.

"The Bond to be entred into to the Lord "Chancellor upon ſuing out the ſaid Com- "miſſion of Banckrupt.

"*Noverint univerſi per preſentes me* J. A. "*de, &c. teneri & firmiter obligari prehono-* "*rabili* Georgio *Domino* Jeffreys *Baroni de* "Wem *Domino Cancellario* Anglie *in dncentis* "*Libris bone & legalis Monete* Anglie *ſolvend.* "*eidem Domino Cancellario aut ſuo certo Attor-* "*nato Executoribus Adminiſtratoribus vel Aſ-* "*ſign' ſuis ad quam quidem ſolutionem bene &* "*fideliter faciend. obligo me Heredes Executores* "*& Adminiſtratores meos firmiter per preſentes* "*Sigillo meo ſigillat'. Dat', &c.*

"The

" The Condition of this Obligation is such " that if *R. B.* of the City of *L.* Merchant, be " a Bankrupt within all or any of the Statutes " lately made against Bankrupts, according " as the above bound *J. A.* by his humble Pe- " tition exhibited to the above named Lord " Chancellor of *England* hath alleadged, then " this Obligation to be void or else to stand " in full force."

An Affidavit to be annexed to a Bill of Interpleader.

The Complainant maketh Oath that he doth not exhibit this Bill by the Consent, Knowledge or Combination of any or either of the Defendants in this Bill mentioned, but onely of his own free will, for Relief in this honourable Court.

Jur', &c.

Peti-

Petitions in Chancery.

A Petition to renew a Commiſſion.

William Riddle, *Eſq*; *Plt.*
John Emerſon, *Gen. and others Defts.*

To the honourable the Maſter of the Rolls,
The humble Petition of the Defendants
Sheweth,

THat the ſaid Defendants obtained an Order to plead, anſwer or demur to the Plaintiff's Bill, and accordingly a Commiſſion was made out and returned as to *Hindmarſh* and *Ogle* (the other Defendants) but your Petitioner having ſome extraordinary occaſions was conſtrained to go to *Hambrough* (where he did remain at leaſt five or ſix weeks) and ſo loſt the opportunity of returning his plea, anſwer or demurrer with the other Defendants;

Your Petitioner therefore humbly prays your Honour that he may be at liberty to renew the ſaid Commiſſion returnable *ſine die*, but in the mean time all things to ſtand *in ſtatu quo prius* againſt him.

And your Petit^r ſhall ever pray, *&c.*

A Pe-

A Petition to amend a Bill without payment of Costs.

Buggin *contra*
Millner.

To the honourable the Master of the Rolls,

The humble Petition of the Plaintiff,

Sheweth,

That your Petitioner some time since exhibited his Bill into this Court against the Defendant, and the Defendant appeared thereto, but hath not to this day put in any Answer, for want whereof an Attachment issued, and the Defendant is still in contempt, not having answered to this day.

That your Petitioner is advised, that there is cause to make some little Amendment in his Bill:

Wherefore, and for that the Defendant is in contempt, and hath not to this day put in any answer to your Petitioner's Bill, and your Petitioners Amendment being very small,

Your Petitioner humbly prays he may be at liberty to amend his Bill without Costs.

And your Petitioner shall pray, *&c.*

22 *Oct.* 1680.

Let it be so.

Har. Grimston.

A Pe-

A Petition to accept of the Plaintiff's Bill without Costs.

Warren *contra*
Flavell.

To the honourable the Master of the Rolls,
The humble Petition of the Plaintiff
Sheweth,

That your Petitioner having caused the Defendant to be served with a *Subpœna* to appear to your Petitioner's Bill ret. on Friday last, the Defendant hath since apppeared and entred the appearance in the Costs Book, and although your Petitioner's Bill is actually filed and was so as soon as Costs passed, yet the Defendant's Councill refuses to accept the same, although he is not at one penny costs.

Wherefore your Petitioner humbly prays your honour to order the Defendant's Council to accept of your Petitioner's Bill.

And your Petitioner shall pray, *&c.*

18. *Maii*, 1682.
Let it be so, there being
no Costs taxed.
Har. Grimston.

A Pe-

A Petition to give farther time for Publication.

Moſes Pitts *Plaintiff*,
*Dam*t El. Davies *and*
Tho. Davies *Inf. Def.*

To the honourable the Maſter of the Rolls,

The humble Petition of the Plaintiff Sheweth,

That the matter in difference between your Petitioner and the Defendants being in reference, it was propoſed that by conſent Publication ſhould paſs at Whitſontide next, and the cauſe be heard the next Term in caſe the matter could not in the mean time be amicably ended, and for that purpoſe an Order by conſent was drawn up whereby Publication is to paſs at Whitſontide:

That the matter hath depended under reference till now very lately, and your Petitioner doth now find that he is not like to make any amicable end, and hath not as yet examined one Witneſs, and Publication paſſes to morrow:

Your Petitioner humbly prays that Public. may be enlarged till the firſt day of the next Term, your Petitioner not deſiring to put off the Cauſe from being heard the next Term.

And your Petitioner ſhall pray, *&c.*

21. *Maii*, 1681.

Be it ſo, whereof forthwith give notice.

Har. Grimſton.

A Pe-

A Petition for time to put in the Defendant's Anſwer.

Will. Winchurſt *Quer.*
Sam. Hunt *Gen. Def.*

To the honourable the Maſter of the Rolls,
The humble Petition of the Defendant
Sheweth,

That the Plaintiff exhibited his Bill againſt your Petitioner in Michaelmas Term laſt, whereto your Petitioners then appeared, and took out a Commiſſion to take his and the other Defendants anſwers in the Country; By virtue whereof the other Defendant is ſworn to his anſwer, but your Petitioner could not anſwer in the Countrey for want of ſome writings and copies of Records which were here in Town. Nevertheleſs your Petitioner is now come to Town, and will anſwer here by the end of the Term:

Your Petitioner therefore humbly prays your Honour to grant him time to put in his anſwer to the ſaid Bill, until the laſt day of the Term and in the mean time that all proceſs of contempt may be ſtayed.

And your Petitioner ſhall pray, *&c.*

28. *Jan.* 1681.

Let the Defendant have time to anſwer till Thurſday ſea'night, and in the mean time ſtay proceſs, whereof give notice forthwith.

Har. Grimſton.

A Pe-

A Petition that the Plaintiff's Clerk may deliver the Original Bill to the Defendant's Clerk that he may take a Copy of it; and in the mean time all Proceſs of Contempt be ſtayed againſt the Defendant.

Aldſworth, *Quer'*
Sheppard *& al. Def.*

To the honourable the Maſter of the Rolls,
The humble Petition of the Defendant *Sheppard*,
Sheweth,

That your Petitioner being ſerved with a *Spa'* to anſwer the Plaintiff's Bill, to which he hath accordingly appeared and uſed his utmoſt endeavour to obtain the ſame in order to make a copy to put in his anſwer, but he cannot get the ſame, for that ſeveral other Defendants concerned therein had appeared and employed ſeveral Clerks to appear for them, and now the Bill lying in the hands of Mr. *Hunter* who refuſes to deliver the ſame to your Petitioner's Clerk.

Your Petition' therefore humbly prays your honour that Mr. *Hunter* may deliver the Record to your Petitioner's Clerk in order that he may anſwer the ſame, and that in the mean time all proceſs of contempt may be ſtayed.

And your Petitioner ſhall pray, *&c.*

6. *Maii*, 1682.

Be it ſo, whereof forthwith give notice.

Har. Grimſton.

A Pe-

A Petition that the Defendant's Clerk may be ordered to accept the Plaintiff's Bill on payment of the Costs out of purse.

Marbury *contra*
Pierpoynt

To the honourable the Master of the Rolls,
The humble Petition of the Plaintiff
Sheweth,

That your Petitioner having exhibited his Bill into this Court against the Defendant, and served the Defendant with process to appear and answer the same, the said Defendant appeared, and your Petitioner's Bill not being filed at the exact day, though in a very few days after, the Defendant's Clerk refuses to accept your Petitioner's Bill, but insists on Costs.

Wherefore your Petitioner humbly prays that the Defendant's Clerk may be ordered to accept your Petitioner's Bill on payment of the Costs out of Purse.

And your Petitioner shall pray, *&c.*

27. *Junii*, 1682.
Let it be so.
Har. Grimston.

A Petition for the Lord Chancellor's Letter to require a Nobleman to appear and answer the Plaintiff's Bill.

John Harding *Esq*; *Plaintiff.*
The noble Marquis of Winchester *Deft.*

To the right honourable *Edward* Earl of *Clarendon*, L^d high Chancellor of *England*.

The humble Petition of the Plaintiff

Sheweth,

That your Petitioner having exhibited a Bill in this honourable Court to be relieved against the Defendant for the matters therein contained, cannot by the ordinary Proceſs of this Court compell him to anſwer the ſame till your Lordſhip hath firſt written to him ſo to do.

Your Petitioner humbly prays your Lordſhip's Letter directed to the ſaid Defendant to appear in this Court the 24th of this inſtant *December* and anſwer your Petitioner's ſaid Bill.

And your Petitioner ſhall pray, &c.

The Lord Chancellor's Letter.

My Lord,

It appears by a Petition (a Copy whereof is herewith sent) that *John Harding*, Esq; hath exhibited a Bill in Chancery against your Lordship, and desires your appearance thereunto the four and twentieth of this instant, wherefore I do at his request by this Letter (according to the manner used to persons of your quality) desire your Lordship to take knowledge thereof, and to give order to those you imploy in such cases for your appearance to the said Bill accordingly.

My Lord,
Your Lordship's most affectionate
humble Servant, *C. C.*

Worcester-house,
Dec. 21. 1663.

To the right honourable *John* Marquis of *W.*

Decemb. 23. 1663.
I delivered this to Mr. *H.* one of my Lord Marquis's Servants.

A Petition to the Lord Chancellor for a Writ de Lunatico Inquirendo.

To the right honourable *Anthony* Earl of *Shaftsbury* Lord Chancellor of *England*,

The humble Petition of Sir *T. C.* K^t^ on the behalf of *M.* and *E. A.* his Grandchildren, Daughters of *T. A.* Esq; by *E.* his Wife, the Petitioners Daughter deceased.

Sheweth,

That the said *T. A.* for divers years past hath been, and still is, *non compos mentis*, and not able to defend and govern himself, or order his Estate whereby to maintain himself and family, but hath made alienation thereof, and otherwise wasted and destroyed the same.

The Petitioner therefore prayeth that a Writ *de Lunatico Inquirendo* may be granted to enquire of the Lunacy of the said *T. A.*

And he shall pray, *&c.*

A Petition to the Master of the Rolls for an Attachment.

To the honourable Sir *H. G.* Master of the Rolls,

The humble Petition of the Plaintiff,

Sheweth,

That whereas the Defendant being in contempt for breach of a Decree made in this Cause,

Cauſe, lies in *Lincoln's*-Inn Fields, as by the Affidavit annexed appears.

May it pleaſe your honour to award an Attachment againſt him returnable immediately.

And your Petitioner ſhall pray, *&c.*

A Petition for Alimony.

The humble Petition of *E. A.* Wife of Sir *R. A.* Kt.

Sheweth,

That your Petitioner, being one of the Daughters of Sir *F. H.* Kt. was about 11 years married to the ſaid Sir *R. R.* to whom ſhe brought a competent Portion, during which time your Petitioner, through extreme cruelty of her ſaid Husband, hath ſuffered very much, and thereby contracted to her ſelf exceeding weakneſs, and much ſickneſs, which her Husband regardleſs of, hath enforced your Petitioner, for recovery of her health, to contract a great Debt of 300 *li.* beſides being chargeable and burthenſome to her Friends: And her ſaid Husband, although he hath, *&c. per annum*, doth deny your Petitioner any competent allowance for her ſelf and Family, whereby your Petitioner, without your Lordſhip's ſpeedy relief herein, is likely to be expoſed to great miſery,

Your Petitioner moſt humbly prayeth your Lordſhip to be pleaſed to ſummon the ſaid *R. A.* before you, that your Petitioner

titioner may (as in such cases is usual) receive Relief, and such competent maintenance as to your Lordship shall seem meet upon the hearing of your Petitioner's just complaint, and may have an allowance *pro expensis litis* in the mean time.

And she shall ever pray, *&c.*

A Petition for a Re-hearing.

The humble Petition of the Defendants, Sheweth,

That the Petitioners find themselves very much aggrieved by a decretal Order made in this Cause the 5th instant, by the honourable the Master of the Rolls, whereby your Petitioner is ordered and decreed to pay unto the Plaintiff the sum of 400 *li.* by, *&c.* next, with interest for the same, from the time of the said hearing till the Money be paid, which sum of 400 *li.* having been long since paid, and good proof thereof made, as your Petitioner is advised.

Your Petitioner humbly prayeth that your Lordship will be pleased to vouchsafe a re-hearing in this Cause before your Lordship, he submitting to pay what Costs the Court shall award in case his complaint be found causeless.

And your Petitioner shall pray, *&c.*

A Pe-

A Petition for a Letter for a Perſon of Honour to hear Judgment.

The humble Petition of the Plaintiff, Sheweth,

That the Cauſe depending in this Court between the ſaid parties is ſet down to be heard the 20th of this *November* inſtant.

The Petitioners therefore humbly pray your honour will be pleaſed, according to the courſe in like caſes uſed to perſons of honour, to grant your Letters of Summons to the ſaid Counteſs to attend and hear Judgment in the ſaid Cauſe.

And your Petitioner ſhall ever pray, *&c.*

A Petition for an Appeal in Chancery.

F. H. *Plaintiff.*
J. E. *of* S. *and* E. S. *Def.*

The humble Petition of the Defendants, Sheweth,

That your Petitioners find themſelves aggrieved by a Decree or decretal Order made in this Cauſe the 21ſt of *April* laſt paſt, whereby your Petitioners *J.* and *E. S.* are ordered and decreed to pay unto the Plaintiff 100 *li.* by, *&c.* and according to the Ordinance for the better regulating and limiting the Court of Chancery, and the, *&c.* Section thereof, have depoſited the ſum of 100 *li.* in the hands

of the ſenior Regiſter, as by Certificate annexed appeareth, and there being nothing more required by the ſaid Decree to be performed by your Petitioners, as by the Copy of the ſaid decretal Order annexed doth appear.

The Petitioners therefore humbly pray, that according to the ſaid Ordinance your Lordſhip will be pleaſed by your ſubſcription to this Petition, to ſignifie your allowance of re-hearing of the ſaid Cauſe, and to ſend notice thereof, together with this Petition, to the Courts of King's-Bench, and Common Pleas, and the Exchequer, that ſuch Judges as the ſaid Ordinance directs may be appointed, and being ſignified to your Lordſhip, with the ſaid Judges, will be pleaſed to appoint a day for ſuch re-hearing, according to the ſaid Ordinance.

And y^r^ Petitioners ſhall ever pray, *&c.*

An Affidavit to admit a Defendant in forma pauperis.

The ſaid Defendant maketh oath, that, his Debts being paid, he is not worth 5 *li.* in all the whole world.

The

The Petition to be admitted.

To the right honourable the Maſter of the Rolls,

The humble Petition of the Defendant,

Sheweth,

That your Petitioner being very poor, as by the Affidavit and Certificate annext appeareth, and being ſerved with Proces to appear and anſwer at the Plaintiff's ſuit, is by reaſon of ſuch his poverty, unable to make his defence,

In tender conſideration whereof, he humbly prays your honour to admit him to defend this Suit *in forma pauperis*, and to aſſign him for his Council Mr. *B.* and Mr. *A.* and for his ſix Clerk Mr. *P.*

And your Petitioner ſhall ever pray, *&c.*

A Certificate of his Poverty.

Theſe are to certifie all whom it may concern, that *J. H.* of, *&c.* is a very poor Man.

A Pe-

A Petition to examine a Defendant as a Witneſs, having diſclaimed by his Anſwer.

C. E. *Plaintiff,*
E. F. *and others Defts.*

To the right honourable the Lord Keeper of the Great Seal of *England*,

The humble Petition of the Defendants,

Sheweth,

That *J. B.* whom the Plaintiff hath made Defendant in this Cauſe, hath by his Anſwer diſclaimed to have any intereſt in the Premiſſes in queſtion for your Petitioners in this Cauſe.

The Petitioners therefore humbly pray, that they may have liberty to examine the ſaid *J. B.* as a witneſs *de bene eſſe.*

Orders

Orders in Chancery.

An Order for the Plaintiff to amend his Bill upon payment of Coſts; and the Plaintiff to put in a farther Anſwer.

Lord Keeper.

Lunæ 7. die Maii, An. R. Regis Car. 2. 35. *inter* Eliz. Weight & al' *Quer'* Annam Perril *Vid. Def.*

UPon information this day made unto this Court by Mr. *Penton*, being of the Plaintiff's Council, it was alleadged that the Plaintiffs having exhibited their Bill into this Court againſt the ſaid Defendants to be relieved for the matters therein contained, and foraſmuch as the Plaintiffs finding their Bill to be miſtaken in ſome material Points therein: It is therefore prayed that the Plaintiff might be at liberty to amend their Bill as they ſhall be adviſed, and that the Defendants put in another Anſwer thereto, which this Court upon the Plaintiffs paying the Defendants 20 *s.* coſts for the ſame doth order accordingly.

An

An Order for the Plaintiff to diſmiſs his Bill upon payment of 20 s. *Coſts.*

Lord Keeper.

Lunæ xii. die Febr. *Anno Regni* Car. 2. *Regis xxxv. inter* Rob. Walden *Quer'* Mariam Armiſtead *& al' Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Rezvy*, being of the Plaintiff's Council, It was alleadged that the Plaintiff having had dealing with Mr. *Armiſtead* deceaſed, the Defendant *Mary*'s Teſtator, and he dying conſiderably indebted to the Plaintiff, the Defendant *Mary* had proved his Will and poſſeſſed his Eſtate, and the Plaintiff having brought his Action for the recovery of his debt, the Defendant *Mary* pleaded *plene adminiſtravit* thereto, ſo that to diſcover the ſaid Teſtator's Eſtate the Plaintiff exhibited his Bill, but the Defendants had ſo intreagued the ſaid Eſtate, that the Plaintiff could not make diſcovery thereof. Wherefore, and in regard there had been no farther proceedings than onely to Bill and Anſwer, it was prayed that the Plaintiff's Bill may ſtand diſmiſſed with 20 *s.* Coſts, which is ordered accordingly.

Intr.

An

An Order to diſcharge a former Order made to a Maſter for taxing of Coſts, &c.

At the Rolls,
Mr. of the Rolls.

Jovis xxvii. die Junii *Anno Regni* Caroli *ſecundi Regis xxxv. Inter* Johannem Walden *Quer*' Mariam Armiſtead *& al' Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Hutchins*, being of the Plaintiff's Council, It was alleadged that the Plaintiff having a conſiderable debt owing unto him by *Francis Armiſtead*, the Defendants late Husband, did exhibite his Bill to diſcover Aſſets, but the Defendants have ſo contrived together that the Plaintiff is not like to have any benefit thereof, and thereupon did diſmiſs his Bill with 20*s*. Coſts to be taxed by a Mr. in regard the Defendants had anſwered ſeverally, whenas they all appeared by one Council, and anſwered by one Defendant, and therefore it was prayed that the order for taxing of Coſts by a Maſter may be diſmiſſed: Whereupon it is ordered that the Order for taxing of Coſts be diſcharged, but the Plaintiff is to pay twenty ſhillings Coſts for diſmiſſing his Bill for every ſeveral Anſwer put in thereunto.

Intr. *Geo. Edwardi*
Deput. Reg.

An

An Order for continuing of an Injunction, upon bringing of Money into Court by a day prefixt, otherwiſe the Injunction to be diſſolved.

Mr. of the Rolls,
Sir *Will. Beverſham*,
Sir *Miles Cooke*.

Jovis 12. *die* Julii *Anno Regni* Caroli *ſecundi Regis xxxv. Inter* Will. Ward *Quer'* Joſeph Newton *Def.*

Whereas by an Order of the 28th day of *June* laſt, It was ordered that the Injunction in this Cauſe ſhould ſtand abſolutely diſſolved, unleſs Cauſe were this day ſhewn to the contrary. Now upon opening of the matter this preſent day unto this Court by Mr. *P. Rawlinſon*, being of the Plaintiff's Council, in the preſence of Mr. Serjeant *Stringer*, being of the Defendant's Council, the Plaintiff's Council now moved, and offered divers reaſons for the continuance of the Injunction in this Cauſe, whereupon, and upon hearing of the Defendant's Council, and what was alleadged on either ſide, It is ordered, that the Plaintiff do by Michaelmas next, bring into this Court the ſum of 67*l.* 18*s.* and thereupon the Injunction in this Cauſe is continued till the hearing; But in default thereof the ſaid Injunction is from thenceforth abſolutely diſſolved, which in the mean time is hereby continued.

An

An Order for the ſetting down a Cauſe for hearing at a certain day.

Jovis 5. *die* Julii *Anno Regni* Car. *Secundi Regis xxxv. Inter* Weekes *Quer'* Goodwin *Def.*

Upon conſideration this preſent day had by the right honourable the Lord Keeper of the Great Seal of *England*, of the Plaintiff's humble Petition, for the reaſons therein contained, his Lordſhip doth order that this Cauſe be heard on the 13th inſtant.

per Hen. Devenish
Deput. Reg.

An Order in Confirmation of a former Order, for taking out a Commiſſion to examine Witneſſes, and that Publication may paſs, and the Cauſe ſet down to be heard by the time prefixt.

Lord Chancellor.

Jovis quarto die Novembr' *Anno R. Regis* Car. *ſec'* 32. *Inter* Robertum Allonſon *& al' Quer'* Edm. Starkey, *Def.*

Whereas by an Order of the 22d day of *June* laſt it was Ordered that the Plaintiffs ſhould take out a new Commiſſion and examine their Witneſſes over again, and that the former Commiſſion ſhould ſtand ſuppreſſed; But if any of the Witneſſes formerly examined ſhould die before the execution of the new Commiſ-

Commiſſion, the Depoſitions of ſuch Witneſſes were to ſtand. Now upon opening of the matter this day unto this Court by Mr. *Rawlinſon*, of Council with the Plaintiffs, It was prayed that this Cauſe might be forthwith ſet down to be heard this Term, the matter in queſtion being onely matter of Accompt; but Mr. *Stedman*, of Council with the Defendant, alleadging that the Defendant could not examine one Witneſs in the Cauſe, becauſe the Plaintiffs did not take out a Commiſſion according to the ſaid Order, and that the Def. hath many Witneſſes to examine in *Lancaſhire* who cannot attend to be examined in Court, and upon hearing what was alleadged on either ſide, it is ordered that the Defendant do take out a Commiſſion for examination of Witneſſes according to the ſaid Order, and that publication do paſs the firſt day of the next Term, and the Cauſe be heard the ſame Term.

An Order for putting off a Cauſe from hearing, for the Space of one whole Term, for that the Defendant is at Sea upon his return from Jamaica, &c.

Mercurii 15. *die Junii Anno Regni* Car. 2. *Regis* 33. *Inter* Will. Urwin *Quer'* Johannem Ewbanke *Def.*

Whereas by an Order of the third of *June* inſtant, upon motion of the Complainant's Council, It was ordered that the leaving of a

Subpæna

Subpœna to hear Judgment, with the Defendant's Clerk in Court ſhould be deemed a good ſervice for the ſaid Defendant to appear to hear Judgment in this Cauſe, Now upon motion this day made unto this Court by Mr. *Viney*, being of the Defendant's Council, It was alleadged that the Defendant being now at Sea, but upon his return in a Voyage from *Jamaica*, and having ſeveral Notes and Receits which are neceſſary to be made uſe of at the hearing, but cannot be produced till ſuch his return, and for that the ſaid Defendant hath likewiſe one or more Witneſs or Witneſſes which is or are to be examined *viva voce* at the hearing, who at preſent being far diſtant and remote cannot poſſibly be procured to attend at ſuch time as this Cauſe is appointed to be heard; Whereupon it is ordered that this Cauſe be put off till the firſt day of Cauſes in Michaelmas Term next, and thereupon the ſaid Defendant without farther notice is to appear *gratis* at the hearing thereof.

An Order that an Injunction for ſtay of proceedings at Common Law ſhall ſtand abſolutely diſſolved, upon the Defendant's putting in a full and preſent Anſwer, and thereby hath denied the whole Equity of the Plaintiff's Bill.

At the Rolls
Mr. of the Rolls,
Sir *Jo. Franklyn*,
Sir *Jo. Hoskins*,

Mercurii xi. die Maii *Anno Regni* Caroli *ſecundi Regis xxxiii, Inter* Rob. Braudling *Ar' Quer'* Hen. Anderſon *Ar' & al' Def.*

Whereas the Plaintiff obtained an Injunction for ſtay of the Defendant's proceedings at Law untill Anſwer and other Order to the contrary. Now upon opening of the matter this preſent day unto this Court by Mr. *Rawlinſon*, being of the Defendant's Council, It was alleadged that the ſaid Defendants have ſince put in a full and preſent Anſwer to the Plaintiff's Bill, and thereby denied the whole equity thereof, It was therefore prayed that the ſaid Injunction may ſtand abſolutely diſſolved, which is ordered accordingly, unleſs the Plaintiff, on notice to his Clerk in Court, ſhall on the laſt day of this Term ſhew unto this Court good cauſe to the contrary.

Intr. *per* Tho. Campion *Deput. Reg.*

An Order for diſmiſſing the Plaintiff's Bill, for want of Proceeding thereupon, after the Defendant hath put in her Anſwer.

Lord Chancellor.

Lunæ xi. die Octob. *Anno Regni Regis* Car. *ſecundi xxxii. Inter* Johan. Taylor *& al' Quer'* Jonam Mattox *Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Kerye*, being of the Defendant's Council, It was alleadged that the Plaintiff in Hillary Term, 1678. exhibited his Bill into this Court, againſt the ſaid Defendant, whereto the ſaid Defendant the ſame Term put in his Anſwer, ſince which the Plaintiffs have no way proceeded in their cauſe, and therefore it was prayed that the ſaid Plaintiffs Bill may ſtand diſmiſſed out of this Court, with the ordinary Coſts of ſeaven Nobles, which this Court held reaſonable, and doth order the ſame accordingly.

Intr.

An Order of Reference to a Maſter upon Exceptions.

Martis 23. *die* Octob. *Anno Regni* Car. 2. *Regis* 35. *Inter* Iſaacum Hall *& al' Quer'* Ellen' Sawrey *Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Williams*, being of the Plaintiff's Council, It was alleadged that

the Plaintiffs having filed their Bill in this Court againſt the ſaid Defendant, the ſaid Defendant accordingly appeared and put in an Anſwer to the ſaid Bill, whereto the Plaintiffs have taken Exceptions; and the ſaid Defendant hath not amended her Anſwer by the time allowed her by this Court; It is thereupon ordered that the Plaintiffs Bill, the Defendants Anſwer, and the Exceptions thereto taken do ſtand referred to Sir Kt. one of the Maſters of this Court, who is to examine and certifie whether the Defendant's Anſwer be ſufficient or not.

An Order to confirm a former Order for diſſolving an Injunction niſi cauſa; *no cauſe being ſhewn.*

At the Rolls, Mr. of the Rolls, Sir *Jo. Coell*, Sir *Jo. Baldwin.*

Martis 17. Maii *Anno Regni* Caroli *ſecundi Regis xxxiii. Inter* Mungo Scott *Quer'* Janam Allifon *& al' Def.*

Whereas by an Order of the 10th day of *May* inſtant it was ordered that the Injunction in this Cauſe ſhould ſtand diſſolved unleſs cauſe were ſhewn to the contrary on the laſt day of this laſt Term: Now upon opening of the matter this preſent day unto this Court by Mr. *Rawlinſon*, being of the Defendant's Council, It was alleadged that due notice was given of the ſaid Order, as by the Affidavit now read appeared, but no cauſe hath been ſhewn

ſhewn to the contrary, as by Certificate from the Regiſter appears; and therefore it was prayed that the ſaid laſt Order may be made abſolute, which this Court held reaſonable and doth order the ſame accordingly.

An Order for the Plaintiff to diſmiſs his Bill, in regard the Defendant did demur to it, and the Demurrer was never argued.

Mr. of the Rolls,
Sir *John Franklyn*,
Sir *Miles Cook*.

Mercurii xxvii. die Junii *Anno Regni* Caroli 2. *Regis xxxv. Inter* Saram Watts *Quer'* Rich. Snazdale *& al' Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Rawlinſon*. being of the Plaintiff's Council, It was alleadged that the Plaintiff having exhibited her Bill into this Court, againſt the ſaid Defendants, the ſaid Defendants had put in a Demurrer thereto; wherefore, and in regard the ſaid Demurrer hath not been yet argued, it was prayed that the ſaid Plaintiff may be at liberty to diſmiſs her Bill with twenty ſhillings Coſts, which this Court held reaſonable, and doth order the ſame accordingly.

Intr. Geo. Edwards
Watts c. *Snazdell*, *Deput. Reg.*

	l.	*s.*	*d.*
Rec'd of the Plaintiff's Clrc in Court the twenty ſhillings above written purſuant to this Order,	01	00	00

per me Ja. Wilkinſon.

An Order that Publication may paſs, and the Cauſe be heard the next Term.

Lord Chancellor.

Martis xiii. die Decemb. *Anno Regni* Caroli *ſecundi Regis xxxiii. Inter* Willielm Marſhall *Quer'* Gualterum Roſe, & Samuel' Quiney *Def.*

Upon opening of the matter this preſent day by Mr. *Vaughan*, being of the Plaintiff's Council, it was alleadged that in Hillary Term 1679. the Plaintiff's Bill was filed in this Court, whereto the Defendants appeared and ſate in contempt for not anſwering, and the Plaintiff long ſince ſerved the Defendants to rejoyn, and hath examined all his Witneſſes, Wherefore it was prayed that publication may forthwith paſs, and that the Cauſe may be heard the next Term, whereupon it is ordered, that publication do paſs in this Cauſe on the firſt day of the next Term, and that the Plaintiff be at liberty to procure this Cauſe to be heard ſome time in the ſame Term.

Intr.

Dd. a Copy 9. *Jan.* in Mr. *Snow*'s Seat in the preſence of the Clerk.

An Order for putting off a Cauſe upon a Bill of Reviver from being heard at the time prefixt, for that the Defendant's Sollicitor, who hath the Writings in his cuſtody, is far remote in the Countrey.

Lord Chancellor.

Mercurii 4. *die* Maii *Anno Regni Regis* Caroli *ſecundi xxxiii. Inter* Henric' Richardſon *Quer'* Elian' Clennell *& al' Def.*

Upon opening of the matter this preſent day unto this Court by Mr. Serjeant *Stringer*, being of the Defendant's Council in the preſence of Mr. *Rawlinſon*, being of the Plaintiff's Council, the Defendant's Council alleadged, that the Plaintiffs do very violently drive on this Cauſe, the Defendants having put in their Anſwer to the Bill of Reviver, but in Hillary Term laſt, and the Defendants are ſerved to hear Judgment, on the ſeventh inſtant, by which time the Defendant's Solicitor, who hath all the Deeds and Writings in this Cauſe, cannot be in Town, he living in the County of *Northumberland*, and if the Cauſe ſhould go on as it is now ſet down, the Defendants would be much ſurpriſed, not being able to make their defence by that time, and therefore it was prayed, that this Cauſe may be put off from being heard till the next Term; but the Plaintiff's Council alleadged that the Plaintiff hath been much delayed the Cauſe being ready for a hearing in the Life

time of the Defendants Anceſtor and Teſtator, who had fully examined all his Witneſſes in the original Cauſe, and there is no new matter in the Plaintiff's Bill of Reviver, but the Defendants being in poſſeſſion do endeavour to avoid their being brought to a hearing, and the Defendants having been ſo long ſince ſerved to hear Judgment: It was prayed that the Cauſe may go on as it is now ſet down; whereupon, and upon hearing of what was alleadged by Council on either ſide, it is ordered that this Cauſe be put off from being heard on the ſeaventh of this inſtant to the thirteenth inſtant, and that the ſame do then come on to be heard.

Intr.

An Order that leaving of a Subpœna *with the Defendant's Attorney at Law (notwithſtanding the Defendant is beyond Sea, and proſecutes the Plaintiff at Law by his Attorney, for the ſame matters for which the Plaintiff ſeeks Relief by his Bill) ſhall be a good ſervice for the Defendant to appear and anſwer.*

At the Rolls,
Mr. of the Rolls.

Veneris xi. die Maii *Anno Regni* Caroli *ſec' Regis xxxv. Inter* Joſephum Criſpe *Quer'* Philippum Reverſi *Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Collins*, being of the Plaintiff's Council it was alleadged that the

the Plaintiff having exhibited his Bill into this Court againſt the ſaid Defendant, the ſaid Defendant doth proſecute the Plaintiff at Law by his Attorney, for the ſame matters for which the Plaintiff by his Bill ſeeks relief, although the ſaid Defendant be beyond Sea, and cannot be ſerved with Proceſs to appear to anſwer the Plaintiff's Bill, as by Affidavit now read appeared; It was therefore prayed that the leaving of a *Subpœna* with the ſaid Defendant's Attorney at Law, may be a good ſervice for the ſaid Defendant to appear and anſwer the Plaintiff's Bill, which this Court held reaſonable, and doth order the ſame accordingly.

Intr. Geo. Edwards,
Deput. Reg.

An Order by conſent, that Publication paſs, the Cauſe be heard at ſuch a time, and the Defendant appear gratis *to hear Judgment on ten days notice.*

Mercurii xx. die April' *An. Reg.* Caroli *ſec' Regis xxxiii. Inter* Moſem Pitt *Quer' Dom.* Eliz' Davies *Vid. &* Tho. Davies *Ar' Inf. per Guard. Def.*

It is this preſent day ordered by the conſent of the ſaid Parties, Plaintiff and Defendant their Council in Court and Solicitor, that Pubication do paſs in this Cauſe the firſt day of Trinity Term next, and that this Cauſe be heard ſome time in the ſame Term, and that the

the ſaid Defendants do appear *gratis* to hear Judgment on ten days notice to their Council in Court.

An Order that the Defendant ſhall Rejoyn and Joyn in Commiſſion with the Plaintiff; or otherwiſe the Plaintiff may take out a Commiſſion ex parte.

Lord Keeper.

Sabbati xvii. die Febr' *An. Reg.* Caroli *ſec. Regis xxxv. Inter* Annam Sharpe *Quer'* Johan' Sharpe *& al' Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Kerry*, being of the Plaintiff's Council, it was alleadged that the Plaintiff exhibited her Bill into this Court in Trinity Term 1681. but the Defendants by ſitting in contempt, and after having put in a frivolous Plea, have very much delayed the Plaintiff in her Cauſe, and the Plaintiff having many aged and infirm Witneſſes to examine, and the Plaintiff having replyed to the Defendant's anſwer, and the Cauſe being at Iſſue, and this Vacation being a proper time for examining of Witneſſes, it was prayed that the Defendants may forthwith Rejoyn and Joyn in Commiſſion, or the Plaintiff may have a Commiſſion *ex parte*; whereupon it is ordered, that the ſaid Defendants do in four days after notice thereof to their Council in Court Rejoyn and Joyn in Commiſſion and ſtrike Commiſſioner's names, or in default thereof, the Plaintiff is at liberty to take out a Com-

a Commiſſion for examination of her Witneſſes *ex parte.*

Intr.

An Order that the Defendant ſhall have farther time to put in his Anſwer to the Plaintiff's Bill which hath a long account annexed thereunto touching ſeveral matters tranſacted beyond the Seas.

Mr. Juſtice *Wyndam*,
Sir *John Coell*,
Sir *Tym. Baldwyn.*

Sabbati v. die Nov. *An. Reg. Regis* Car. 2. *xxxiii. Inter* Williel' Fearne *Quer'* Johan. Parker *Def.*

Upon opening of the matter this day unto this Court by Mr. *Whitlocke*, of the Defendant's Council, It was alleadged that the plaintiff hath exhibited his Bill this Term with a long account annexed thereto touching ſeveral matters tranſacted beyond the Seas, and the Defendant cannot give a full and perfect anſwer thereto, nor inſtruct his Council to draw the ſame without looking into divers Letters and Accounts ſent to and from the Plaintiff and others touching the ſaid matters, which will require ſome time for the doing thereof, It was therefore prayed that the ſaid Defendant may have time to put in his Anſwer to the ſaid Bill till the end of this Term, which is ordered accordingly.

An

An Order upon Petition that a Subpœna *left with the Defendant's Clerk to Rejoyn and Joyn in Commiſſion, is a good ſervice.*

Martis 13. *die* Nov. *An. Reg. Regis* Car. *ſec.* 35. *Inter* Philadelphiam Bradford *Quer'* Lionel' Copley *Def.*

Upon conſideration this preſent day had by the honourable the Mr. of the Rolls, of the Plaintiff's humble Petition for the reaſons therein contained, It is ordered that the leaving of a *Subpœna* to Rejoyn and Joyn in Commiſſion with the Defendant's Clerk in Court be deemed a good ſervice of the ſaid Defendant to Rejoyn and Joyn in Commiſſion with the Plaintiff.

An Order that at Injunction to ſtay proceedings at Law ſhall ſtand diſſolved, unleſs good Cauſe ſhall be ſhewn at the firſt Seal after Term.

At the Rolls,
Mr. of the Rolls.

Martis 13. *die* Febr. *An. Reg. Regis* Car. *ſec.* 35. *Inter* Rob. Wilkinſon *Quer'* Aliciam Hedley *Vid. Def.*

Whereas the Plaintiff obtained an Injunction for ſtay of the Defendant's proceedings at Law until Anſwer and other Order: Now upon opening of the matter this day unto this Court by Sir *Thomas Stringer*, being of the Defendant's Council, it was alleadged that the

the Defendant hath ſince put in her Anſwer to the ſaid Plaintiff's Bill, and thereby denied the whole equity thereof; It was therefore prayed that the ſaid Injunction may ſtand diſſolved, which is ordered accordingly, unleſs the Plaintiff his Clerk in Court, having notice hereof, ſhall at the firſt general Seal after this Term ſhew unto this Court good cauſe to the contrary.

per Carew Guidott,
Deput Reg.

An Order that the Plaintiff ſhall have a Weeks time to file his Bill, without prejudice, in regard he hath ſeveral Papers to peruſe, and that proceſs is ſerved upon the Defendant to appear and anſwer.

Lord Chancellor.

Martis 30. *die* Maii *An. Reg.* Car. 2. *Regis* 34. *Inter* Johan. Page *Quer'* Benjamin' Bonwick & *al' Defend.*

Upon opening of the matter this preſent day unto this Court by Mr. *Holford*, being of the Plaintiff's Council, it was alleadged that the Plaintiff having ſerved the Defendants with Proceſs to appear and anſwer his Bill returnable the latter end of this Term, but the Plaintiff hath ſeveral Papers to peruſe, ſo that he cannot file his Bill in time, it was therefore prayed that the Plaintiff may have a weeks time to file his Bill without prejudice, which is ordered accordingly.

Intr' *An*

An Order that the Defendants ſhall have farther time to anſwer, and that all Proceſs of Contempt be ſtayed in the mean time, in regard they muſt ſet forth a long and intricate Account.

At the Rolls,
Mr. of the Rolls.

Lúne ſexto die Nov. *An. Reg.* Caroli *ſec'* *Regis* 34. *Inter* Jonan. Battin. *& al'* *Quer'* Suſan' Bulkley *& al' Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Bramſton* being of the Defendant's Council, it was alleadged that the Defendants having lately appeared to the Plaintiff's Bill did find that the Plaintiffs do by their Bill endeavour to call the Defendants to account for a conſiderable Eſtate left by their Teſtator, which accounts being of an Executorſhip are very long and intricate and will require a conſiderable time to make up the account ſo as to give the Plaintiff a perfect anſwer: wherefore, and for that the Defendant's time for Anſwering is not yet out, and for that there are no ſuits at Law, it was prayed that the Defendants may have time to anſwer the Plaintiff's Bill till Chriſtmas next; whereupon it is ordered, that the Defendants ſhall have time to anſwer till the laſt Saturday in this Term, and in the mean time all Proceſs of contempt for not anſwering are ſtayed.

An

An Order to inſert a Perſons name (hitherto omitted) as a Defendant, in the Bill.

At the Rolls,
Mr. of the Rolls.

Venetris 25. *die* Junii *An. Reg.* Car. *ſec. Regis* 32. *Inter* Ed. Goſling *& al' Quer'* Joan. Ingram *& al' Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Kerry*, being of the Plaintiff's Council, it was alleadged that the Plaintiffs having exhibited their Bill into this Court againſt the ſaid Defendants, have lately diſcovered that *Samuel Perk* Clerk, is a materiall perſon to be made a Defendant in this Cauſe; It was therefore prayed that the Plaintiffs may be at liberty to inſert the ſaid *Samuel Perke* into the Bill, and to make him a Defendant with apt words to charge him, which this Court held reaſonable, and doth order the ſame accordingly.

Intr.

An

An Order for the adjourning the hearing of a Cause till after the Term, notwithstanding a former Order for publication and hearing within Term in regard of a Treaty of accommodation between the Parties.

At the Rolls,
Mr. of the Rolls.

Mercurii 15. *die* Novembr' *An. Reg.* Caroli *sec. Regis* 34. *Inter* Paulum Weeks *Quer'* Will' Pedley *& al' Def.*

Upon opening of the matter this present day unto this Court by Mr. *Hutchins*, being of the Plaintiff's Council, it was alleadged that the Plaintiff, by Order made last Term, was to bring his Cause to a hearing this Term, and Publication was to pass the first day of this Term, and in the mean time the Injunction was continued: but there having been a treaty between the said parties, and the Plaintiff, being in hopes to accommodate the matter in an amicable way, hath not examined any Witnesses, nor have the Defendants examined one Witness, and the Plaintiff hath set down the Cause for the last day of Causes; It was therefore prayed that Publication may be enlarged till the last day of the Term, and that the Cause may be adjourned to be heard some day of Causes after the Term, and the Injunction be in the mean time continued, which this Court held reasonable, and doth order the same accordingly. *per* T. Campion, *Deput. Reg.*

Instr.

An Order of Reference to a Maſter, of a Bill Anſwer and Exceptions.

Lord Chancellor,

Veneris 11. *die* Junii *An. Reg.* Caroli *ſec'* *Regis* 32. *Inter* Joh. Athy *Quer'* Richard. Athy *Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Rawlinſon*, being of the Plaintiff's Council, it was alleadged that the Defendant hath put in a very inſufficient Anſwer to the Plaintiff's Bill, whereto the Plaintiff hath taken Exceptions: It is ordered that the Plaintiff's Bill, the Defendant's Anſwer, and the Exceptions thereto taken do ſtand referred to Sir *Timothy Baldwyn*, Knt. one of the Maſters of this Court, to examine and certifie whether the Defendants have fully anſwered the Plaintiff's Bill or not.

Intr. Geo. Edwards,
Deput. Reg.

The Maſter's Warrant to attend him upon an Order of Reference of Bill, Anſwer and Exceptions.

Inter Joh. Athy *Quer'* Ric. Athy *Def.*

By virtue of an Order of the 11th day of *June* inſtant, I do appoint to conſider of the matters to be referred on Thurſday next at 9 of the Clock in the Fore-noon at my houſe in *Bell-yard*, at which time and place all parties

concerned, or ſome for them, are to attend: At which time I ſhall peremptorily proceed,

Tim. Baldwyn.

Dated this 23d day of *June*, 1680.

An Order for the Defendant to have a Commiſſion before hearing of the Cauſe.

At the Rolls,
Mr. of the Rolls.

Lunæ 15. *die* Novembr. *An. Reg.* Car. 2. *Regis* 32. *Inter* Joh. Glenwright *Quer'* Mariam Milford, *Vid. Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Rawlinſon* being of the Defendant's Council, it was alleadged that there hath been but one Commiſſion in this Cauſe, of which the Plaintiff had the Carriage; and the Defendant hath, ſince the Execution of the ſaid Commiſſion, diſcovered ſeveral perſons that are material Witneſſes for the Defendant in this Cauſe, and the Plaintiff knowing the ſame, doth preſs to have the Cauſe heard this Term, before the Defendant hath examined all her Witneſſes, although Publication is not yet made of the Commiſſion by the Plaintiff executed, nor hath the ſame been in Court above four days: Wherefore, and for that it is the Defendant's own delay, the Plaintiff having an Injunction upon payment onely of principal money, it was prayed that the Defendant may be at liberty to renew the Commiſſion, and have the carriage

riage thereof, and Publication paſs the firſt day of the next Term, and the Cauſe heard, the ſame Term, and the Defendant will appear to hear Judgment *gratis*, without ſerving Proceſs, and that the Cauſe may be put off from being heard this Term, which This Court held reaſonable, and doth order the ſame accordingly.

An Order that an Injunction obtained by the Plaintiff two years ſince, for ſtay of the Defendants proceedings at Law, ſhall ſtand abſolutely diſſolved, and the Defendant prepare for a Trial at Law, unleſs the Plaintiff bring his Cauſe to hearing within the time prefixt by this Court.

Mercurii 16. *die* Maii *An. Reg.* Caroli 2. *Regis* 35. *Inter* Chriſtoph. Benſon *Quer'* Annam Thackray *Def.*

Upon opening of the matter this preſent day unto this Court by Mr. *Williams*, being of the Defendant's Council, in the preſence of Mr. *Collins*, being of the Plaintiff's Council, the Defendant's Council alleadged, that the Plaintiff, having about four years ſince exhibited his Bill againſt the Defendant, and having examined his Witneſſes above two years, doth not proceed in his Cauſe, but having an Injunction, doth ſleep thereon; It was therefore prayed that the Injunction ſtand abſolutely diſſolved: Whereupon, and upon hearing of the Plaintiff's Council, who offered to ſpeed the Cauſe to a hearing, it is ordered that the

Injunction in this Cauſe be continued till the hearing; but the Plaintiff is peremptorily to bring this Cauſe to a hearing the next Term, for which purpoſe publication is forthwith to paſs, and in the mean time the Defendant is at liberty to deliver a Declaration at Law, and prepare for Trial, but not to go to Trial without the farther Order of this Court, but in default of the Plaintiff's procuring this Cauſe to be heard the next Term, the ſaid Injunction is abſolutely diſſolved.

An Order upon a Bill of Reviver, that notwithſtanding the Death of the Defendant in the firſt Bill, the Suit may ſtand revived againſt his Executor.

Lord Chancellor.

Sabbati 12. *die* Febr. *An. Reg.* Caroli 2 *Regis* 33. *Inter* Elizab. Plummer *Quer'* & Thomam Boſtock *Def.*

Upon opening this matter this preſent day unto this Court by Mr. *Collins*, being of the Plaintiff's Council, it was alleadged that the Plaintiff having heretofore exhibited her Bill into this Court againſt *William Boſtock* Teſtator amongſt others, and the ſaid *William Boſtock* being ſince dead, ſhe ſince became there upon abated, as to him, but the Plaintiff having ſince exhibited her Bill of Reviver into this Court againſt the ſaid Defendant *Thomas Boſtock*, Executor of the ſaid *William Boſtock*, who hath put in his Anſwer thereto, and there

therefore it was prayed the ſaid original Suit may ſtand revived againſt the ſaid *Tho. Boſtock*, Executor of the ſaid *Will. Boſtock*, and be in the ſame plight and condition againſt the ſaid *Tho. Boſtock* as the ſame was at the death of the ſaid *Will. Boſtock*, which this Court held reaſonable, and doth order the ſame accordingly.

Intr. Geo. Edwards,
Deput. Reg.

An Order for the plaintiff to have a Commiſſion to examine his Witneſſes de bene eſſe.

Lord Chancellor.

Lune 16. *die* Maii *An. Reg. Regis* Caroli 2. 33. *Inter* W. Blennerhaſſet *Armig. Quer'* Annam Skelton & Georg. Skelton. *Def.*

Foraſmuch as this Court was this preſent day informed by Mr. *Ryder*, being of the Plaintiff's Council, that the ſaid Plaintiff exhibited his Bill unto this Court againſt the ſaid Defendants, and the Defendants have appeared and anſwered the ſame, to which the Plaintiff hath replyed, but cannot ſerve the Defendants to rejoyn till next Term, and the Plaintiff having ſeveral material Witneſſes to be examined, which are aged and infirm, and not likely to live to be examined in ordinary courſe, as by Affidavit appears, they living remote in the Countrey, it was prayed that he ſaid Plaintiff may have a Commiſſion for examination of Witneſſes *de bene eſſe* ret' the

laſt return in the next Term, which is ordered accordingly, of which the ſaid Defendants are to have notice, to the end they may joyn therein if they pleaſe.

An Order upon Petition that if the Plaintiffs refuſe to ſtrike Commiſſioners Names with the Defendant, That then the Defendant ſhall have liberty to take out a Commiſſion ex parte.

Lunæ 22. *die* Octobr' *An. Reg.* Caroli 2. *Regis* 35. *Inter* Rich. Grahine *Bar' & al' Quer'* Doroth. Atkinſon *Def.*

Upon the Defendant's humble Petition this day preferred to the right honourable the Lord Keeper of the Great Seal of *England*, for the reaſons therein contained, It is ordered that if the Plaintiffs, upon two days notice to their Clerk in Court, ſhall refuſe to joyn and ſtrike Commiſſioners Names with the Defendant's Clerk in Court, that the Defendant be at liberty to take out a Commiſſion *ex parte*, and that it be referred to Sir *Miles Cook* Knight, one of the Maſters of this Court to appoint the time and place for the executing of the ſaid Commiſſion, and when the ſame ſhall be returnable.

Intr. per Hen. Deveniſh, *Deput. Reg.*

As

An Order upon a Demurrer allowed.

The matter upon the Plaintiff's Bill and Defendant's Demurrer put in thereunto being this day heard and debated before the right honourable the Lord high Chancellor of *England* in the preſence of the Council learned on both ſides, foraſmuch as the Plaintiff's Bill appeared to be defective in the points demurred unto, It is ordered that the ſaid Demurrer be allowed.

An Order to amend a Bill.

It is ordered that the Plaintiff ſhall pay unto the Defendant 20*s.* Coſts, and that thereupon the Plaintiff be at liberty to amend his Bill.

An Order for an Injunction upon an Attachment.

Foraſmuch as this Court was this day informed by Mr. *P.* being of Council for the Plaintiff, That the Plaintiff hath exhibited his Bill for relief againſt the Defendant, and the Defendant being ſerved with Proceſs hath not appeared, but ſits an Attachment in contempt, It was therefore prayed that an Injunction be awarded for ſtay of the Defendant's proceedings at Law, which is ordered accordingly, untill the Defendant ſhall directly anſwer the

Plaintiff's Bill, clear his contempt, and other order to the contrary.

An Order for confirming a Report.

Upon opening the matter this present day unto the right honourable the L. H. Chancellor of *England* by Mr. *S.* being of the Plaintiff's Council, in the presence of Mr. *A.* being of the Defendant's Councill, and upon producing of a Report made in the Cause by Mr. *D. A.* one of the Masters of this Court, the Plaintiff's Council now offering some reasons against the said Report, and desiring that the matter might be referred back to the said Master; but upon debate of the matter, and hearing what could be alleadged on either side, his Lordship saw no cause at all to alter the said Report, but doth order that the said Report and all the matters and things therein contained be ratified and confirmed, by the order of this honourable Court, to be performed by all persons according to the true meaning thereof.

An Order for admitting a Guardian to an Infant.

Upon motion made this present day unto this Court by, *&c.* being of the Defendant's Council, alleadging that the said Infant was served with Process at the Plaintiff's suit, and is but, *&c.* old, and that, *&c.* are appointed Guardians

Guardians to the ſaid Infant by his Father's Will, as by the ſaid Will produced appeared, It was therefore prayed that the ſaid, *&c.* might by this Court be appointed Guardians to the ſaid Infant to appear, anſwer and defend this ſuit in this behalf, which this Court held reaſonable, and do order the ſame accordingly.

An Order for a Plaintiff to diſmiſs his own Bill.

Upon the motion of Mr. *L.* being of the Plaintiff's Council, foraſmuch as it was alleadged that ſince the exhibiting of the Plaintiff's Bill, the ſaid Plaintiff doth find the ſame is miſtaken in many material points therein, ſo that he cannot ſafely proceed thereon without prejudice to this Cauſe, It was prayed, in regard the Defendants have onely anſwered the ſaid Bill, that the Plaintiff might diſmiſs his own Bill, It is thereupon ordered that the ſaid Bill be diſmiſſed accordingly, the Plaintiff paying to the Defendant four Nobles Coſts in reſpect thereof

An Order that leaving Proceſs to rejoyn with the Defendant's Clerk in Court may be good ſervice, the Defendant obſcuring himſelf.

Foraſmuch as this Court was this preſent day informed by, *&c.* being of Council with the Plaintiffs, that the Plaintiffs have long ſince exhibited their Bill againſt the Defendant,

dant, to which ſhe hath anſwered, and the Plaintiffs have replyed thereunto, but the Defendant *W.* doth obſcure her ſelf, ſo as the Plaintiffs cannot find her or the place of her abode, to ſerve her with Proceſs, whereby they are delayed and cannot proceed in their Cauſe, as by their Affidavit thereof appeared, and therefore prayed that the leaving of a *Subpœna* to rejoyn with her Clerk in Court may be good ſervice of the ſaid *J. W.* which is ordered accordingly.

An Order for diſmiſſing the Plaintiff's Bill for not proceeding, with Coſts.

Foraſmuch as this Court was this day informed by Mr. *P.* being of the Defendant's Council, that the Plaintiff had exhibited his Bill againſt the Defendant in this Court the 18th of, *&c.* whereunto the Defendant put in his Anſwer the 25th of the ſame Month, ſince which time the Plaintiff hath not replyed thereunto, or otherwiſe proceeded in the ſaid Cauſe, as by Certificate appeared, It was thereupon prayed that the Plaintiff's Bill might ſtand diſmiſſed, which this Court held reaſonable, and do order that the ſaid Bill do ſtand abſolutely diſmiſſed *&c.*

An

An Order to ſtay proceedings upon a Recognizance being 20 *years old, and entred into onely for appearance.*

Whereas by an Order of the 19th of *January* laſt paſt, a Recognizance of 3000 *li.* entred into by *T.* late Earl of *S.* 14th of *May*, *&c.* to Sir *J. C.* Knight, Maſter of the Rolls, and Sir *R. M.* Kt. late Maſter of this Court, for the ſaid Earl's Appearance in Court, *&c. Trinitatis* then next following was ordered to be put in ſuit by the Executors of the ſurvivor of the ſaid Cognizees; upon opening of the matter this preſent day by Mr. *C.* Mr. *P.* and Mr. *A.* being of the Defendant's Council, it appearing that the ſaid Recognizance was entred into above twenty years ſince, and was but for an appearance in Court, ſince which time the ſame hath ſlept, and never any proſecution thereupon till now, it was therefore prayed that all proceedings upon the ſaid Recognizance might be ſtayed, which is ordered accordingly.

An Order to have a Subpœna *returnable immediately.*

Upon motion made this preſent day unto the right honourable the Lord, *&c.* by Mr. *S.* being of the Plaintiff's Council, and producing an Affidavit, that the Defendants do live in *London*, it was prayed that the ſaid Plaintiff might

might take out Proceſs againſt the ſaid Defendants returnable immediately, which is ordered accordingly.

An Order to ſet down a Cauſe to be heard by conſent.

Sabbati nono die Febr. *An. Reg. Regis* Car. *ſec.* 13. *Inter* H. G. *Bar'*, H. G. *&* R. B. *Armig' Quer'*, C. B. *Arm' &* Eliz. *Ux' ejus* J. E. *Arm' per* E. E. *Arm' Gardianum ſuum & Dominam* A. A *&* J. A. *Arm' per prefat' Dom'* A. *Matrem & Gar' ſuum Def.*

It is this preſent day ordered by and with the conſent of all parties, Plaintiffs and Defendants, and their Clerks in this Court be ſet down to be heard on Friday the tenth day of May next, and all the ſaid parties to attend the ſaid hearing *gratis.*

An Order upon a Petition for a re-hearing in the ſame Cauſe.

Upon conſideration this day had by the right honourable the Lord Chancellor of *England*, of the humble Petition of *A. A.* thereby ſetting forth that the Petitioner and the other Defendants, claiming upon ſeveral intereſts the Perceptions of the Rents and Profits of the Manor of *H.* in *S.* for the reſidue of a term of 21 years demiſed to the Plaintiffs in truſt, the Plaintiffs thereupon exhibited their Bill to have the Judgment of the Court to whom the benefit of the Truſt belonged, and the

the tenth of *May* laſt paſt, upon hearing of the Cauſe in Court before the honourable the Maſter of the Rolls, It was ordered that a Caſe be made and agreed on by Council on both ſides, and the Court attended therewith. who after advice with the Judges would pronounce ſuch Decree therein as ſhould be juſt, which Caſe being accordingly made and agreed on, and the ſaid Maſter of the Rolls attended therewith the 19th of *July* laſt, Council on all ſides were thereupon heard before the ſaid Maſter of the Rolls at his houſe, aſſiſted by Mr. Juſtice *Browne*, but at that time no Decree or opinion was pronounced untill the 28th of *November* laſt, at which time the Maſter of the Rolls was pleaſed to deliver his opinion (contrary to the opinion of the ſaid Judge) that the benefit of the ſaid Truſt doth belong to the ſaid Defendants *B.* and his Wife, and not to the Petitioners, and ſo decreed the ſame; whereby the Petitioner and four fatherleſs Children, whoſe onely ſuſtenance dependeth thereupon, ſhall be epxoſed to want; It was therefore prayed that his Lordſhip would be pleaſed to vouchſafe a re-hearing of this Cauſe, whereupon it is ordered by his Lordſhip, that this Cauſe be ſet down to be re-heard before his Lordſhip upon Wedneſday the 22d of *January* next, being the day before the next Term, at three of the Clock in the Afternoon, at which time his Lordſhip will deſire ſome of the Lords the Judges to aſſiſt him, of which the other ſide to have notice,

and

and in the mean time ſigning and inrolling of the Decree is ſtayed.

An Order by conſent for the Vacating a Recognizance.

It is this preſent day ordered by conſent of the Plaintiff, that the Recognizance, bearing date the 20th day of *June*, *&c.* entred into by the Defendant *F.* and others, in purſuance of an order of the ſame Month made in this Cauſe unto the Maſter of the Rolls, and *M. H.* Eſq; for the ſaid Defendants abiding ſuch Order as this Court ſhould make upon the hearing this Cauſe, be vacated and diſcharged.

An Order to have a ſecond Anſwer referred.

Foraſmuch as this Court was this preſent day informed by Mr. *V.* being of the Plaintiff's Council, that the Defendants having put in a ſufficient Anſwer to the Plaintiff's Bill, the Plaintiff took Exceptions thereunto, ſince which the Defendants have put in a ſecond Anſwer, which is alſo inſufficient, It is thereby ordered that Sir *N. H.* one of the Maſters of this Court, do conſider of the Plaintiff's Bill, and the ſaid ſecond Anſwer, and the Plaintiff's Exceptions, and certifie whether the ſaid ſecond Anſwer be ſufficient or not, and if not, then a *Subpœna* is awarded againſt the Defendant to make a better Anſwer according to the Maſter's Report to be made.

An

An Order to appoint a Guardian for an Infant to defend his Suit.

Upon motion made unto this Court this preſent day by &c. being of the Defendant's the Infant's Council, alleadging that the ſaid Infant was ſerved with Proceſs to appear and anſwer the Plaintiff's Suit, being but eight years old, and living above 100 miles from *London*, it was prayed that a Commiſſion might iſſue to Commiſſioners to appoint a Guardian for the ſaid Infant, and alſo to take his Anſwer to the Plaintiff's Bill, and defend this Suit in his behalf, which this Court held reaſonable, and do order the ſame accordingly.

An Order to diſmiſs a Bill obtained by the Plaintiff.

Upon opening the matter this preſent day unto this honourable Court by Mr. *A.* being of the Plaintiff's Council, it was alleadged that the Plaintiff having exhibited his Bill againſt the Defendants, he is adviſed that he cannot proceed thereon without prejudice to his Cauſe; Wherefore, and in reſpect that none of the Defendants have anſwered the ſaid Bill, it was prayed that the ſame might ſtand diſmiſſed, which this Court held reaſonable, and do order that the ſaid Bill do ſtand diſmiſſed.

An

An Order upon the allowance of a Demurrer.

The matter upon the Demurrer put in by the Defendants to the Plaintiff's Bill, coming this preſent day to be heard before the right honourable the Lord Chancellor of *England*, in the preſence of Council learned on both ſides, the ſcope of the Plaintiff's Bill being that he, *&c.* (reciting the ſubſtance of the Bill) Whereunto the ſaid Defendants having for demurrer ſet forth that the Plaintiff, *&c.* (here recite the Demurrer) Upon full debate and hearing what was alleadged on either ſide, his Lordſhip held the ſaid Demurrer to be good and ſufficient, and doth order that the ſame do ſtand and be allowed.

Report

Reports in Chancery.

A Report of Coſts in defence of a ſuppoſed Contempt.

FOraſmuch as it appears to me by Certificates out of the ſeveral Offices, that the Defendant *R. W.* hath been examined upon Contempt proſecuted againſt him by the Plaintiff, and no reference of his Examinations procured, nor Commiſſion taken out by the other ſide, nor Witneſſes examined in Court to prove the ſaid Contempt within the time limited by the General Rule, whereby he is diſcharged of the ſaid Contempt; I have therefore conſidered of a Bill of Coſts by him expended in making his Defence, amounting to 22*li.* 11*s.* 8*d.* and do tax the ſame at 15*li.* which the Plaintiff is to pay to the Defendant accordingly.

A Report that the firſt Anſwer is inſufficient.

By virtue of an Order of the 12th day of *&c.* whereby I am to conſider of the Complainant's Bill and Exceptions, and the Defendant's anſwer, I have in the preſence of the Plaintiff's Counſel (none attending for the Defendant, no due notice was given to her Clerk in Court, as appeared to be by Affidavit) conſidered

thereof, and do find that the ſaid Exceptions are juſtly taken, and that the Defendant ought to amend, and make her anſwer more full and perfect in the points excepted unto, which I humbly certifie, and leave to the grave judgment of this honourable Court.

A Report that a ſecond Anſwer is ſufficient.

According to the directions of the 30th of *May* laſt, I have in the preſence of both ſides taken conſideration of the Plaintiff's Bill, the Defendant's ſecond Anſwer, and the Plaintiff's Exceptions thereto, and do conceive the Defendant's ſecond Anſwer to be ſufficient, as to the points excepted unto, and that ſhe ought not to amend her ſaid Anſwer.

Exception

Exceptions to Reports in Chancery.

Exceptions to a Decree upon a Commiſſion for Charitable uſes.

Exceptions taken by *J. G.* Eſq; to the Judgment, Order and Decree of *W. C. &c.* made at, *&c.* the 28th day of, *&c.* by virtue of a Commiſſion to them and others directed, by force of the Statute made at the Parliament holden at *Weſtminſter* the 26th day of *October*, in the 43d year of the late Queen *Elizabeth*, intituled, An Act to redreſs the miſimployment of Lands, Goods and Stocks of Money given to charitable uſes.

The ſaid Exceptant ſaith, that he is a perſon intereſſed in the Lands, Tenements and hereditaments, in the Decree mentioned, and is grieved by the ſame, and therefore for relief doth complain unto the Lord, *&c.* according to the ſaid Statute, and ſaith that the ſaid Judgment, Order and Decree is and are void in Law, and ought not to be binding to this Exceptant, but to be adnulled, reverſed and avoided, for the cauſes and reaſons hereafter mentioned.

1. For that by the Will, *&c.*

For all which reasons and causes, and other Errours manifestly appearing, the same ought to be reversed, adnulled and set aside, as against the Exceptant and his heirs; And the Exceptant prayeth, that the same may be reversed and adnulled accordingly.

Warrants in Chancery.

A Warrant for speeding a Commission to examine Witnesses.

THese are to give notice that we whose names are hereunder written, being Commissioners authorized and assigned by his Majesty's Commission out of the high Court of Chancery, to examine Witnesses between *J.C.* of *S.* Plaintiff, and *E.W.* Defendant, do appoint Monday the, *&c.* day of, *&c.* by Eight of the Clock in the Forenoon of the same day at, *&c.* for the speeding and executing the said Commission according to the trust thereby reposed in us. Dated the, *&c.*

A Warrant by Referrees to determine.

By virtue of a Commission from the Lord Chancellor out of the high Court of Chancery to us and others directed, for composing and determining such differences as are now depending

pending between, *&c.* Theſe are to give notice that we purpoſe to meet and treat of the ſaid Difference, to the intent to reconcile them if we can at, *&c.* on, *&c.* Whereof we thought fit to give you notice, that you may prepare your defence as you ſhall ſee cauſe. Dated, *&c.*

A Warrant for a Pardon.

Our will and pleaſure is that you forthwith prepare a Bill for our Royal ſignature to paſs Our Great Seal, containing a grant of Our gratious Pardon unto *J.* Earl of *A.* of all ſuch Offences, and with ſuch reſtitution of Lands and Goods, and ſuch Exceptions and Clauſes in all things as are expreſſed in the form of a Pardon for that purpoſe, and remaining with you under Our Signet and ſign manual, and for ſo doing this ſhall be your Warrant. Given at Our Court at *Whitehall* the 15th day of *October* 1660. in the 12th year of Our Reign.

Interrogatories in Chancery.

To a Defendant to prove a Contempt upon an Order.

1. *Imprimis*, WEre you on the tenth day of, *&c.* or at what other time, and when ſerved with an Order of this honourable Court, made in this Cauſe the, *&c.* for the ſum of, *&c.* to be paid by you to the Plaintiff, by whom were you ſerved with the ſaid Order, by one *R. S.* or by what other particular perſon? Declare the truth.

2. *Item*, Did the party that ſo ſerved you ſhew the ſaid Order under the hand of a Regiſter of this honourable Court, did he deliver you a Copy of the ſaid Order, or in what other manner did he ſo ſerve you, did the ſaid perſon that ſo ſerved you demand the ſaid 300 *li.* of you? Declare the truth.

3. *Item*, Did you then pay the ſaid 300 *li.* to the ſaid party that ſo ſerved you with the ſaid Order, or did you not utterly then refuſe to pay the ſame, and whether have you at any time ſince, and when, paid the ſaid 300 *li.* to the Plaintiff, or to any other on his behalf? Declare the truth.

To a Witneſs to prove a Contempt upon an Order.

1. *Imprimis*, Did you in the Month of, *&c.* ſerve the ſaid *R. H.* with an Order made in this Cauſe, bearing date, *&c.* upon what day of the ſame Month, where, and in what manner did you ſerve the ſame?

2. *Item*, Did the ſaid *R. H.* ſee and take notice thereof, did he acknowledge that he was ſerved with the ſame, and what words uſed he upon the ſaid ſervice, and to whom?

3. *Item*, Was not the ſaid *R. H.* by the ſaid Order enjoyned to pay unto the Plaintiff the ſum of 60 *li.* did you then demand the ſaid ſum of 60 *li.* of him the ſaid *R. H.* for the uſe of the Plaintiff, did the ſaid *R. H.* pay the ſame accordingly, and to whom did he pay the ſame? Declare the truth.

To Witneſſes to prove a Contempt upon an Injunction.

1. *Imprimis*, Did you in the Month of *A.* laſt paſt ſerve the ſaid *C. D. &c.* or any, and which of them, with an Injunction made in the ſame Cauſe, and upon what day of the ſame Month, and where, and in whoſe preſence did you ſerve the ſaid *C. D. &c.* any, and which of them with the ſame?

2. *Item*, Did you ſhew the ſaid Injunction under Seal of this honourable Court unto them, or any, and which of them?

3. *Item*, Did you deliver unto any, and which of them a Copy or Copies thereof.

4. *Item*, Did the ſaid *C. D. &c.* ſee and take notice thereof, did they acknowledge that they were ſerved with the ſame, and what words uſed they upon the ſaid ſervice?

To prove Deeds and Payment of Money.

1. *Imprimis*, Do you know the parties, Plaintiffs and Defendants, did you know *S. S.* late Father of the ſaid *R. S.*

2. *Item*, Was the Deed or Writing, Deeds or Writings now ſhewed you ſealed and delivered, and by whom, and were you a Witneſs to the ſealing and delivery thereof, and is the name ſubſcribed and indorſed as a Witneſs thereunto of your own hand writing, and whether have you been acquainted with the hand writing of the ſaid Party or Parties, or Witneſſes to the ſaid Deed or Deeds, Writing or Writings, or any, and which of them, to be their own hand writing?

3. *Item*, Do you know any ſum or ſums of Money paid by *M. M.* deceaſed, or any other of the Servants or Agents of the ſaid *T. S.* the Plaintiff's Father, or by any other for the ſaid Earl by his, their or any of their appointment to the ſaid *S. S.* the Defendant's Father, or to any other perſon or perſons to his uſe, what ſums did he, they, or any of them pay, when was the ſame paid, and to whom?

4. *Item*,

4. *Item*, Have you been acquainted with the hand writing of the ſaid *S. S.* the Defendant's Father, do you believe the Receit or Acquittance, Receits or Acquittances now ſhewed unto you to be the proper hand writing of the ſaid *S. S.* or whoſe writing do you believe the ſame to be, were you a Witneſs to them or any, and which of them, and is your name ſubſcribed or indorſed as a Witneſs, of your own hand writing, have you been acquainted with the hand writing of any of the Witneſſes to the ſaid Receit or Acquittance, Receits or Acquittances, or any, and which of them, do you verily believe that the names of the ſaid *S. S.* or of the Witneſs or Witneſſes to the Receit or Receits, Acquittance or Acquittances, or any, and which of them, to be their own proper hand writing? Declare the truth.

To prove a Will.

1. *Imprimis*, Did *A. B.* late of, *&c.* deceaſed at any time in his life time, and where, and when, give you directions from him at any time, where, and when, to draw the ſaid *A. B.* his Will?

2. *Item*, Did you draw or ingroſs the Writing purporting the laſt Will of the ſaid *A. B.* now ſhewed unto you, in the very words as the ſame is expreſſed, and of whoſe hand writing is the ſaid Will, and the very words therein contained?

3. *Item*

3. *Item*, Did you ſee the ſaid *A. B.* in the day, *&c.* or at any other time, and when ſign and ſeal the ſaid Will, and did he publiſh and declare the ſame to be his Will, and is the Writing now ſhewed unto you contained in ſeaven Sheets of Paper, to each Sheet whereof his Name is ſubſcribed and Seal affixed, the very ſame which he did then ſign and ſeal as his Will, and who were preſent Witneſſes thereunto, and was the ſaid *A. B.* at the time of the ſigning and publiſhing of the ſame of a good underſtanding and of a diſpoſing memory?

4. *Item*, Whether after the ſaid *A. B.* had ſigned and ſealed the ſaid Will as aforeſaid, was the ſame in the preſence of all the Witneſſes thereunto, ſealed up by the ſaid *A. B.* or by any other, and by whom was the ſame ſealed, up by the Seal of the ſaid *A. B.* or by the Seal of any other, and by whoſe Seal, and whom did the ſaid *A. B.* deſire to keep the ſame, and was the ſaid *A. B.* then of perfect Underſtanding, did the ſame Will continue ſo ſealed up untill the day of, *&c.* and what other time, and was the ſame then opened, and where, and in whoſe preſence, is the Writing now ſhewed unto you contained in ſeaven Sheets of Paper, the very Will which was ſo ſealed up and opened, as aforeſaid, without any addition, interlineation or obliteration, after it was publiſhed by the ſaid *A. B.* for his laſt Will?

5. *Item*

5. *Item*, Whether did the ſaid *A. B.* ſign, ſeal and publiſh his laſt Will in writing, do you know the contents of the ſaid Will? if yea, expreſs the Contens thereof, word for word upon this your Examination.

To prove a Cuſtome for letting of Copyhold Lands for three Lives, and to the Heir or Heirs of the Survivor.

On the part and behalf of K. L. *againſt* W. G. *&c.*

1. *Imprimis*, Do you know the Plaintiffs and Defendants in this Cauſe, or any, and which of them, and did you know *T. M.* late of *C. &c. T. M.* and *E. M.* his Sons, *W. B.* late Father of the ſaid, *&c.* all deceaſed, and any, and which of them?

2. *Item*, Do you know the ſaid Manor or Lordſhip of *C.* in the ſaid County of, *&c.* and do you know that any, and what Lands and Tenements, parcel of, *&c.* and lying within the ſaid Manor or Lordſhip have been demiſed or demiſable by Copy of Court Roll, according to the Cuſtome of the ſaid Manor or Lordſhip, that is to ſay for three Lives to the Heir or Heirs of the Survivor or longeſt liver of ſuch three Lives, as by ſurrender or Copy of Court Roll thereof, the ſame ſhould be limitted or appointed?

To prove Seizin.

3. *Item*, Do you know that the ſaid *T. M.* and *A.* his then Wife, and *T. M.* the younger, and *E. M* and any, and which of them were in their life time, and when, ſeized according to the ſaid Cuſtome, of a certain Tenement, and Lands thereunto belonging, parcel of the ſaid Manor or Lordſhip lying, *&c.* and did the ſaid *T. M.* the younger, ſurvive and overlive the ſaid *T. M.* the elder, and *A.* his Wife, and the ſaid *E. M.* and when did the ſaid *A.* and *E. M.* depart this life, and do you know that the ſaid Tenement and Lands, whereof the ſaid *T. M.* was ſo ſeized, are, or have been part of the Cuſtomary or Copyhold Lands of the ſame Manor or Lordſhip? Declare the reaſon of ſuch your knowledge.

To prove a Surrender.

4. *Item*, Do you know that about the Month of, *&c.* in the year of our Lord, *&c.* or at any other time after the death of the ſaid *T. M.* and when, the ſaid *T. M.* the younger, being ſo ſeized thereof, did out of Court ſurrender according to the Cuſtome of the ſaid Manor, the ſaid Cuſtomary Lands and Tenements into the hands of the then Lord or Lords of the ſaid Manor, by the hands of *J. M.* and *T. M.* two of the Cuſtomary Tenants of the ſaid Manor or Lordſhip to the uſe of him the

the ſaid *J. M.* the younger, and *A.* his then Wife, and the Survivor of them, the Remainder thereof to the ſaid *W. B.* Father of the Plaintiff *K.* and to the Heir or Heirs of the ſaid *W. B.*

To prove a Preſentment.

5. *Item*, Do you know that the ſaid *J. M.* or *J. M.* or either of them or any other Cuſtomary Tenants of the ſaid Manor, and who by name did at any Court or Courts holden for the ſaid Manor or Lordſhip of *C.* and when, preſent any Surrender or Surrenders made by the ſaid *T. M.* of the ſaid Cuſtomary Tenement, and Lands whereby the ſame were limited after the deceaſe of the ſaid *T. M.* and *A.* his Wife, to the ſaid *W.* and his or their Heirs?

To prove an Heir.

Do you know when the ſaid *T. M.* the younger, and *A.* his Wife, and *K.* did depart this life, and is the Complainant *K.* the ſole Daughter and Heir of the ſaid *W. B.* and what age was ſhe at the deceaſe of the ſaid *W. B.* her Father?

To

To prove the yearly Value and Poſſeſſion.

What is the true yearly value of the ſaid Cuſtomary Tenement and Lands, which were ſo held by the ſaid *T. M.* and for how long time hath the Defendant *K.* or any for him held and enjoyed the ſame, and what yearly Rent was reſerved to the Lord of the ſaid Manor, to be paid by the ſaid *T. M.* for the ſame Lands?

To be adminiſtred to Witneſſes to be produced on the part of Sir T. H. *Defendant, againſt Sir* J. B. *Bar', Plaintiff.*

1. *Imprimis*, Do you know the Plaintiff and Defendants in this Cauſe, any, and which of them, and did you know *J. B.* late of, *&c.* Eſq. deceaſed, and Dame *E. A.* late Wife of the Defendant Sir *T. H.* Siſter of the ſaid *J. B.* alſo deceaſed, or either, and which of them, in their or either of their life time?

2. *Item*, Do you know the Manors or Lordſhips of *W. W.* and *B.* in the ſaid County of *S.* the Manors and Lordſhips of great and little *A.* in the Counties of *G.* and *W.* or one of them, the Town or Village of *L.* in the County of *L.* or any, and which of the ſame, and was Sir *J. B.* Knight, deceaſed, Father of the ſaid *J. B.* at any time, and when, in his life time owner or reputed owner of the ſame, or any, and which of the ſame, And do you know

know what perſon or perſons were owner or owners of the ſame Manors and Premiſſes, or any, and which of the ſame, and when before ſuch time as the ſaid Sir *J. B.* was owner thereof, did the ſaid Sir *J. B.* or the ſaid *J. B.* and which, or either of them, purchaſe the ſame, or any, and which of the ſame? did the ſaid Sir *J. B.* marry with any, and what Woman, who was Inheretrix of the ſame Manors and Premiſſes, or any, and what part or parts of the ſame? declare your knowledge thereof, and the reaſon of ſuch your knowledge.

3. *Item*, Was the Deed or Writing, Deeds or Writings now ſhewed unto you, ſealed and delivered, and by whom? were you a Witneſs to the ſealing and delivery thereof, and is your name ſubſcribed and indorſed as a Witneſs thereunto, and of your own hand writing, and have you been acquainted with the hand writing of the party or parties, or Witneſſes to the ſaid Deed or Writing, Deeds or Writings, or any, and which of them, and and do you verily believe the Names of the ſaid party or parties, or Witneſſes to the ſame Deed or Deeds, Writing or Writings, or any, and which of them to be their own proper hand writing.

4. *Item*, Do you know that *E. B.* Siſter of the ſaid *J. B.* deceaſed, was the Wife of the Defendant Sir *J. H.* and do you know the time of the intermarriage between them the ſaid *E.* and the Defendant Sir *J. H.* and was the ſaid *E.* onely Siſter of the ſaid *J. B.* Eſq;

5. *Item*

5. *Item*, Do you know or have credibly heard that the ſaid *J. B.* did or was at any time in his life time, and when, become ingaged with Sir *J. B.* Knt. the Complainant's Father, as his Surety, for any and what Sum or Sums of Money, or other, and what things, and to whom, and have not you heard the ſaid *J. B.* declare that he had ſuffered much by reaſon of the ſaid Ingagement, from the Complainant, and did not the ſaid *J. B.* ſeem to be thereupon much diſpleaſed, that he proteſted and declared that he would have nothing more to do with the Complainant, or words to that effect? Declare what you have heard the ſaid *J. B.* ſay or ſpeak therein.

6. *Item*, Did the ſaid *J. B.* Eſq; at any time or times, and when, in his life time, uſe any, and what words of diſlike touching the Complainant, or of the Complainant's not being to have the ſaid *J. B.*'s Eſtate after his deceaſe, and did the ſaid *J. B.* at any time or times in his life time, and when, uſe any, and what, words or ſpeeches touching the Complainant, or Sir *J. B.* the Complainant's Father, and either, and which of them, whereby it did appear he was diſpleaſed with them, and either and which of them, and in whoſe preſence did he uſe words or ſpeeches to that effect.

7. *Item*, Did the ſaid *J. B.* at any time or times, and when during the time of the Sickneſs whereof he died, or at any other time or times, or when, in his life time, declare or uſe any and what, words or ſpeeches, where-

by

by it did appear, that his mind was that his ſaid Eſtate ſhould or might deſcend to the Defendant Sir *J. H.* his Nephew, or to that effect; have you heard the ſaid *J. B.* uſe any, and what expreſſions of love and affection towards the Defendant Sir *J. H.* what words of love and affection did he uſe towards him, where did he uſe ſuch words, ſpeeches or affections, when, and in whoſe preſence, and upon what occaſion did he uſe them? Declare the truth.

8. *Item*, Did the Complainant, or any other perſon or perſons for him, as you believe, and who by name, at any time or times, and when, where, and in whoſe preſence, promiſe and propoſe unto you, or to any other perſon or perſons any, and what reward, offer and gratuity, to the intent that you, or ſuch other perſon or perſons, ſhould for ſuch reward or gratuity ſet on foot ſome pretended Deed or Deeds, thereby to entitle the Complainant, or otherwiſe to prejudice the Defendant Sir *J. H.* his Title to the Eſtate of the ſaid *J. B.* deceaſed, or whereby the ſame might ſeem to be intailed or otherwiſe ſettled upon the Complainant to his uſe?

9. Do you know *M. B.* of, *&c.* and did the ſame *M. B.* at any time or times, and when in the life time of the ſaid *J. B.* Eſq; by Letter or otherwiſe, requeſt you or any other perſon or perſons, and who by name, to uſe means to perſuade or pevail upon the ſaid *J. B.* to ſettle his Eſtate; Did the ſaid *M. B.* then or

at any other time or times, and when, ſay and declare unto you that the ſaid *J. B.* had made any Will or Settlement of his Eſtate, and when, where and in whoſe preſence did ſhe ſo ſay or declare, and upon what occaſion?

10. *Item*, Did you know one *G. W.* who was Servant to the ſaid *J. B.* in his life time, and when, and for how long time did he ſerve the ſaid *J. B.* and did you at any time or times, and when, ſince the deceaſe of the ſaid *J. B.* hear the ſaid *G. W.* ſay or declare that the ſaid *J. B.* had not made any laſt Will or Teſtament, or other ſettlement touching his Eſtate, or words to ſuch effect, when, and in whoſe preſence did he ſo ſay and declare, and where, and upon what occaſion.

11. *Item*, Did the ſaid *G. W.* at any time or times, and when, ſay or declare to you, or any, and what other perſon or perſons, that he did know of any Deed or Settlement made by the ſaid *J. B.* ſince the time of the ſaid *J. B.*'s travell into foreign parts, and where, and upon what occaſion did the ſaid *G. W.* ſo ſay or declare, and when; Did the ſaid *J. B.* travel beyond the Seas as you know or have heard? Declare the truth.

12. *Item*, Did the Complainant at any time or times, and when, by his Letter or Word of Mouth, ſend unto you or any other, and what other perſon to your knowledge, or enquire of you, or ſuch other, to be informed whether the ſaid *J. B.* deceaſed, had given or ſettled any Eſtate to or upon him the ſaid Complainant,

nant, what were the contents or effect of ſuch Letter, Meſſage or Inquiry, as you know or have heard? Declare the truth of your knowledge herein.

For the Examining one that hath received Rents.

1. *Imprimis*, Have you been acquainted with the hand writing of Sir *T. F.* Knight, deceaſed, the Defendant's late Father, do you believe the Writing or Rental now ſhewed you, to be the proper hand writing of the ſaid Sir *T. F.* or whoſe hand writing do you believe the ſame to be?

2. *Item*, Are the Writings now ſhewed unto you, or either, and which of them, true Rentals of the Eſtate, whereof *T.* Lord Viſcount *S.* the Plaintiff's Father, deceaſed, was ſeiſed at the time of his deceaſe, or any, and what part or parts thereof, were you at any time or times, and when, ſince the deceaſe of the ſaid Lord Viſcount *S.* and when, and for how long time, and by whom were you ſo imployed by the ſaid Sir *T. F.* the Defendant's Father in his life time in or about the gathering or receiving the Rents of the Plaintiff's Eſtate, or any part, or what part thereof, or do you know of any other, and what other perſon or perſons, who was or were ſo imployed by the ſaid Sir *T. F.*

3. *Item*, Do you know or have heard, that the ſaid Sir *T. F.* Knight, the Defendant's late Father, deceaſed, did receive for the

Plaintiff, in his right, the Rents of any, and what Lands, Tenements and Hereditaments lying in the Parishes of *E.* and *P.* in the County of *K.* and when, and for how long time did the said Sir *T. F.* receive the same, and were you at any time, when, and for how long time, imployed by the said Sir *T. F.* in receiving those Rents, and do you know of any other person or persons, that was or were at any time, and when, imployed by the said Sir *T. F.* in and about the receiving of the Rents of any Lands or Tenements whatsoever, lying within the said Parishes or either of them?

4. *Item*, Do you know the yearly value of the Quit-rents of the Plaintiff's Manors of *O. B. O. P. S. S. H.* and *W.* in the County of *K.* or any, or which of them? have you seen a Rental or Rentals thereof? Declare the reasons of such your knowledge.

5. *Item*, Do you hold of the Plaintiff, as his Tenant, any, and what Lands or Tenements lying within the Parishes of *E.* and *P.* aforesaid, or either of them in the County of *K.* and for how long time have you so held the same, and what are the yearly Rent or Rents thereof?

6. Did Sir *T. F.* Knt. deceased, or any for him, or by his direction or appointment, at any time or times in his life time, and for how long time, receive of you, or any other, and what other of the Plaintiff's Tenements or any of his Lands lying in the said Parishes, any Rent or Rents thereof, and what, or how much

much Rent or Rents did you, or ſuch other perſon or perſons ſo pay the ſame? Declare the truth.

To be adminiſtred to Witneſſes produced to prove a Contempt for not obeying an Injunction.

Interrogatories to be adminiſtred to Witneſſes to be produced on the part and behalf of *A. B.* to prove a Contempt committed by *C. D. &c.* in a Cauſe depending in this honourable Court.

1. *Imprimis*, Did you in the Month of *A.* laſt paſt ſerve the ſaid *C. D. &c.* or any, and which of them, with an Injunction made in the ſame Cauſe, and what day of the ſame Month, and where, and in whoſe preſence did you ſerve the ſaid *C. D. &c.* any, and which of them, with the ſame?

2. *Item*, Did you ſee the ſaid Injunction under Seal of this honourable Court, to them, any, and which of them?

3. *Item*, Did you deliver to any, and which of them, a Copy or Copies thereof?

4. *Item*, Did the ſaid *C. D. &c.* ſee and take notice thereof, did they acknowledge that they were ſo ſerved with the ſame, and what words uſed they upon the ſaid Service, and to whom?

Interrogatories for the Defendant's Examination to prove ſervice of Proceſs for Coſts.

1. *Imprimis*, Were you, and which of you, the eighth day of *Auguſt* laſt, or at any other time, and when, ſerved with a *Subpœna* under the Seal of this honourable Court for 20 Marks Coſts to be paid by you to the now Earl of *S.* by whom were you ſo ſerved with the ſaid *Subpœna?* whether were you ſerved by one *J. P.* the elder, or by what other particular perſon? Declare the truth.

2. *Item*, Did the party that ſo ſerved you with the ſaid *Subpœna* ſhew you the Body of the ſaid Writ under Seal of this Court, and deliver you the Label thereof, or did he deliver you the Body of the ſaid Writ under Seal, or in what other manner did he ſerve you, and did the ſaid perſon that ſo ſerved you, demand the ſaid 20 Marks Coſts of you, or either of you, and of whom? Declare, *&c.*

For the Plaintiff's Examination upon Service of a Writ of Execution upon a Decree.

1. *Imprimis*, Were you on the 11th or 29th day of *J.* laſt paſt, or at any other time, and when, ſerved with a Writ of Execution of a decretal Order made in this Court, between the ſaid parties by *E. H.* or *M. L.* or by any other, and by whom did the ſaid *E. H. M. L.* or the ſaid other perſon then ſhew you the ſaid

ſaid Writ of Execution under the Seal of this honourable Court, and deliver you a true Copy thereof, were you not enjoyned by the ſaid Writ to forbear to put in your Cattel into a certain parcel of Ground called the *P.* belonging to the ſaid Manor yearly between the ſaid ſecond day of *F.* and the twentieth day of *J.* following?

2. *Item*, Did the party that ſo ſerved you at the time of ſuch his ſervice of the ſaid Writ of Execution, and by virtue thereof, require your obedience to the ſame?

3. *Item*, Did you accordingly from the 29th day of *June* laſt to the 20th day of *July* then next following, forbear to put your Cattel into the ſaid parcell of Ground called the Pond, or did you, or others by your direction, one or more times between the ſaid 29th of *June* and the 20th day of *July* following, or when, put and drive your Cattel into the ſaid parcel of Ground called the Pond, belonging to the ſaid Manor? Declare the truth.

To examine upon a Contempt for reſiſting the Sheriff, in his executing a Commiſſion of Aſſiſtance.

1. *Imprimis*, Do you know that a Commiſſion of Aſſiſtance was iſſued out of this Court to the now Sheriff of *Eſſex*, being dated the 9th day of *May* laſt, whereby the ſaid Sheriff was to put the now Earl of *S.* and his Aſſigns in

the poſſeſſion of a certain parcel of Ground called the Pond.

2. *Item*, Did you ſee, or do you know that *J. B.* Bayliff of the hundred where the ſaid Manor lies, did by virtue thereof on the 31ſt of *May* laſt enter upon the ſaid parcel of Ground for the putting and quieting the ſaid Earl, or any other perſon to his uſe, in the poſſeſſion thereof, was the ſaid Bayliff in a riotous and tumultuous manner reſiſted and aſſaulted in the doing thereof by you, or others, Tenants and Inhabitants of the ſaid Manor, and by whom was ſuch Reſiſtance and Aſſault made, was the ſaid Bayliff, and one *J. C.* his Servant then beaten down to the Ground, and wounded by the ſaid Tenants or ſome of them, and by whom were they ſo beaten and wounded?

3. *Item*, Did you ſee the ſaid Bayliff and *W. B.* his Servant, on the third of *June* laſt (when divers of the ſaid Tenants having again put in their Cattel into the ſaid Ground, notwithſtanding the ſaid Commiſſion of Aſſiſtance) enter again upon the ſaid Ground for the putting or quieting the ſaid Earl, or ſome other perſon to his uſe, in the poſſeſſion of the ſame, was not the ſame Bayliff then alſo in riotous and tumultuous manner reſiſted and aſſaulted in his doing thereof, by them and divers others of the Tenants and Inhabitants, and by whom was ſuch Reſiſtance and Aſſault made, was the ſaid *W. B.* wounded by ſome or one of the ſaid Tenants, in the head with a

ſtone,

ſtone, whereby he was in great danger of death, and by whom was he ſo wounded? Declare the truth.

To prove Deeds.

Item, Was the Deed or Writing, Deeds or Writings now ſhewed unto you, ſealed and delivered, and by whom, and were you a Witneſs to the ſealing and delivery thereof, and is your name ſubſcribed and indorſed as a Witneſs thereunto, of your own hand writing, and whether have you been acquainted with the hand writing of the ſaid party or parties, or Witneſſes to the ſaid Deed or Deeds, or any, and which of them, and whether do you verily believe the names of the ſaid party or parties or Witneſſes to the ſaid Deed or Deeds, Writing or Writings, or any, and which of them, to be their own proper hand writing?

For Sums paid.

Do you know of any ſum or ſums of Money paid by *M. M.* deceaſed, or any other of the Servants or Agents of the ſaid *T. S.* the Plaintiff's Father, or by any other of the ſaid Earl, or by his, their or any of their appointment, to the ſaid *S. S.* the Defendant's Father, or to any other perſon or perſons, to his uſe, what ſums did he or they, or any of them pay, when was the ſame paid and to whom?

To

To prove Acquittances.

Have you been acquainted with the hand writing of the ſaid *S. S.* the Defendant's Father, do you believe the Receit or Receits, Acquittance or Acquittances now ſhewed unto you to be the proper hand writing of the ſaid *S. S.* or whoſe hand writing do you believe the ſame to be? were you a Witneſs to them, any, and which of them, and is your name ſubſcribed and indorſed as a Witneſs of your hand writing? have you been acquainted with the hand writing of any of the Witneſſes to the ſaid Receit or Acquittance, Receits and Acquittances, or any, and which of them? do you verily believe the names of the ſaid *S. S.* or of the Witneſs or Witneſſes to the ſaid Receit or Acquittance, Receits or Acquittances, or any, and which of them to be their own proper hand writing?

Againſt the Credit of Witneſſes.

Interrogatories to be adminiſtred to Witneſſes to be examined on the part and behalf of, *&c.* Defendants, to the Credit of *J. R.* and *P. R.* Witneſſes, examined on the part and behalf of the Complainant.

1. *Imprimis*, Do the know the Plaintiffs and Defendants and the ſaid *J. R* and *P. R.* or any, and which of them, and how long have you known

known them, or any, and which of them, and upon what occaſion?

2. *Item*, Have you known the life and converſation of the ſaid *J. R.* and *P. R.* or either and which of them, and how hath it been, good or bad, and of what fame or reputation are the ſaid *J. R.* and *P. R.*

3. *Item*, Are or have the ſaid *J. R.* and *P. R.* or either, and which of them, been common Swearers or Drunkards, or do or did they, or either, and which of them, ordinarily or often ſwear or forſwear themſelves, or either, and which of them?

4. *Item*, Have the ſaid *J. R.* and *P. R.* or either, and which of them, at any time or times, or when, accepted or received any, and what ſum or ſumms of money, or other reward, or promiſes of any, and what ſum or ſums of money, or other reward from any perſon or perſons, and from whom, to ſwear or teſtifie in any Cauſe or Suit controverted in any Court of Equity or Law in *England*? between whom was ſuch Suit or Suits depending, or where, did they or either of them ſwear, and how did you come to the knowledge thereof?

5. *Item*, Have the ſaid *J. R.* and *P. R.* or either, and which of them, received of the Plaintiff, or any for him, and of whom by name, any, and what ſum or ſums of money, or other conſideration or promiſe of any and what reward, or other gratuity, to depoſe in this Cauſe on the Plaintiff's behalf.

6. *Item*,

6. *Item*, Have the ſaid *J. R.* and *P. R.* or either of them, and which of them, been declared Bankrupts, and do they or either, and which of them, obſcure him or themſelves in the Iſle of *L.* or elſewhere, to hide or obſcure him or themſelves from his or their Creditors?

To prove Poſſeſſion of certain Lands a Contempt being proſecuted by the Complainant.

Interrogatories to be adminiſtred to Witneſſes to be examined on the part and behalf of *R. W.* Eſq; Defendant, to prove his Poſſeſſions of certain Lands, touching which a Contempt is proſecuted againſt him by *J. C.* Complainant.

1. *Imprimis*, Do you know the Plaintiff and Defendant, either, and which of them, and how long have you know them, either, and which of them?

2. *Item*, Do you know the Manor of *M. S.* in the County of *G.* and do you know that the Defendant *W.* is Lord or Owner thereof, and how long have you ſo done?

3. *Item*, Do you know that the ſaid Defendant *W.* hath at any time or times, and when, ſince the Month of *February* 1654. been poſſeſſed of the Lands lying within the ſaid Manor now in queſtion between the ſaid Plaintiff and Defendant, or any, and what part or parts of the ſame, and do you know that at any time or times, and when, ſince the Month of

of *February* 1655. the said Defendant hath had or enjoyed the Profits of the said Lands in question, or any, and what part or parts of the same, or that he, or his Servants or Workmen for him, have at any time or times, and when, since *Feb.* 1655. aforesaid, cut and carried away the Grass growing upon the same Premisses, or any part or parts thereof, at any time or times, and when, since the time aforesaid? Declare the truth.

The Style used in Depositions.

DEpositions of Witnesses taken at the *Whitehart* in *A.* in the County of *B.* by virtue of a Commission out of the High Court of Chancery to us *A. B. C. D.* and *E. F.* Gent. (and others) directed, in a Cause depending in the said Court between *G. H.* Esq; Plaintiff, and *J. K.* Gent. Defendant, on the part and behalf of the Plaintiff [or] the Defendant [as the Case is] as followeth, *viz.*

A. B. of *C.* in the County of *D.* Yeoman, aged 35 years, or thereabouts, sworn and examined, Deposeth, as followeth.

To the first Interogatory this Deponent saith, *&c.*

The

The Oath to be administred to Witnesses.

You shall true Answer make to all such Questions and Articles as you shall be examined unto, upon the Interrogatories to be exhibited unto you; you shall speak the Truth, the whole Truth, and nothing but the Truth, without respect or favour to either Party: So help you God. Kiss the Book.

Notice of Executing a Commission.

Between G. H. *Esq*; *Plt.*
J. K. *Gent. Def.*

By virtue of a Commission under the Great Seal of *England* to us *A. B. C. D. E. F.* Gent. and others directed out of the High Court of Chancery for the Examination of Witnesses in this Cause, These are to give you notice that the Plaintiff *G. H.* Esq; intends to execute the said Commission upon the 10th day of *June* next, at the house of *J. Q.* Widow, at the *White-hart* in the County of *B.* by eight of the Clock in the Forenoon, where you and your Commissioners may be present, if you please: Given under our Hands and Seals this 20th day of *May*, 1687.

To *J. K.* Gent.

A. B.
C. D.
E. F.

Orders

Orders omitted.

An Order for Bayliffs to attend the Court with the Defendant, their Priſoner, whom they had arreſted as he was going from the Regiſter's Office, upon Acetiam Bille, *at the Plaintiff's Suit, for the matter in queſtion.*

24. *Oct.* 28 Car. 2. G. *per Gard. con'* C.

Foraſmuch as this Court was this day informed by Mr. *B.* being of Council with the Defendant *C.* that by an Order by conſent, Publication being to paſs in this Cauſe the beginning of this Term, and the Cauſe appointed to be heard this Term; the Defendant *C.* in order to prepare for the ſame, came out of the Countrey before the Term, and as he was going from the Regiſter's Office, where he had been to take out a Copy of an Order made upon a motion in this Cauſe at one of the Seals before the Term, he was arreſted upon an *ac etiam bille*, at the Plaintiff's Suit for the ſame matter which is in queſtion in this Suit, which is in contempt of this Court, and in Breach of the privilege allowed to Suiters in this Court, and is detained a Priſoner in cuſtody of the Sheriff's Officers: It is thereupon ordered that the Bayliffs who arreſted the ſaid *C.* do attend in Court to Morrow Morning, and bring their ſaid Priſoner with

with them, whereupon ſuch farther Order ſhall be made as ſhall be meet.

An Order for a Habeas Corpus cum cauſis.

Forſamuch as this Court was this day informed by Mr. *&c.* that the Defendants being committed to the Priſon of the Fleet for diſobeying the Orders of Court, and ſince their Commitment have been permitted, without the leave of this Court, to go abroad where they pleaſe, and the Defendant *M.* hath cauſed himſelf to be removed to the Priſon of the King's-Bench to avoid the Orders of this Court, and that he may have liberty this Vacation to go at large; It was therefore prayed that a *Habeas Corpus cum Cauſis* may be awarded to the Marſhal of the King's-Bench Priſon to bring the Body of the ſaid Defendant *H. M.* into this Court, which is ordered accordingly, whereupon ſuch farther Order ſhall be taken as ſhall be meet.

An Order for an Injunction to quiet poſſeſſion.

Viceſimo ſexto Januarii *viceſimo octavo* Caroli *ſecundi* D. *con'* C.

Upon opening of the matter this preſent day unto this Court by Mr. *W.* being of the Plaintiff's Council, It was alleadged that the ſaid *E. D.* deceaſed, to whom the Plaintiff *T. D.* is Adminiſtrator, obtained a Decree of this Court the fifth of *March*, *viceſimo ſexto* Caroli

Caroli *ſecundi Regis*, that the Defendants ſhould forthwith deliver the Poſſeſſion of all the Woods and Woodlands to the Plaintiff or ſuch as he ſhould appoint, ſhe giving ſecurity allowed of by Sir *M. B.* Knight, *&c.* for payment of one hundred fifty five pounds *per annum* to the Defendant *C.* and his Wife in ſuch manner as by the ſaid Decree is directed; And the ſaid Defendants were alſo at Michaelmas then next quietly to yield and deliver up to the Plaintiff, or ſuch as ſhe ſhould appoint, the poſſeſſion of all the Manor, Farm and Land in the ſaid Decree mentioned, and that Security was given according to the ſaid Decree, and the Cauſe revived by ſeveral Orders of the two and twentieth of *N.* and fourth of *D.* laſt, and the Defendant *S. C.* having been ſerved with a Writ of Execution of the ſaid Decree, Report and Orders, ſits in contempt in breach thereof, and not onely withholdeth from the Plaintiff parcel of the Premiſſes decreed, but alſo proſecuteth divers Actions at Law in the name of the other Defendant *M. D.* the Infant to whom he is Guardian, for the ſuppoſed Treſpaſſes on the Lands decreed: It was therefore prayed that an Injunction may be awarded, as well to put and quiet the Plaintiff and his Aſſigns in the poſſeſſion of the Premiſſes according to the ſaid Decree, as to ſtay all proceedings at Law touching the Premiſſes, which is ordered accordingly, unleſs the Defendants their Clerk in Court, having notice hereof ſhall on Wed-

neſday next ſhew unto this Court good cauſe to the contrary, and in the mean time the Defendants proceedings at Law are ſtayed.

An Order for a Meſſenger for not anſwering.

A. *Quer'* H. *& al' Def. decimo quarto* Aprilis, 1681.

Foraſmuch as this Court was this day informed by Mr. *R.* being of the Plaintiff's Council, that the ſaid Defendant *H.* being in Contempt for not anſwering the Plaintiff's Bill, had been arreſted upon an Attachment by the Sheriffs of *London*, who had returned a *Cepi corpus*, but refuſed to bring the ſaid Defendant into this Court, It was therefore prayed that the Meſſenger attending this Court may take the ſaid Defendant *H.* into Cuſtody, and bring him into this Court to ſhew cauſe why he does not anſwer the Plaintiff's Bill, which is ordered accordingly.

Bills in Chancery.

A Bill in Chancery to examine the Witneſſes to a Will and Codicil, for preſervation of their Teſtimony in perpetual Memory.

To the right Honourable *Heneage*, Earl of *Nottingham*, Lord high Chancellor of *England*.

HUmbly complaining, ſheweth unto your Lordſhip, your Oratrix Dame *M. M.* the Relict and Executrix of the laſt Will and Teſtament of Sir *E. M.* late of *L.* in the County of *M.* Baronet, deceaſed, for and on the behalf of her ſelf and her two Daughters *Ann* and *Frances M.* Infants, under the age of ſix years, being Daughters and Co-heirs of the ſaid Sir *E. M.* That the ſaid Sir *E. M.* being in his life time ſeiſed in his Demeaſne as of Fee-ſimple of and in ſeveral Manors, Lands, Tenements and Hereditaments ſcituate, lying and being in the ſeveral Pariſhes of *A. B. C. D. &c.* in the County of *M.* and elſewhere. And being ſo ſeized as aforeſaid, did on or about the two and twentieth day of *January* in the year of our Lord God, 1680. make his laſt Will and Teſtament in writing and amongſt ſeveral other Deviſes and Bequeſts, he the ſaid Sir *E. M.* did deviſe

and bequeath all his real Eſtate in the Counties of *M. H. G.* or elſewhere to the eldeſt Son he ſhould have living by your Oratrix at the time of his death, and to the Heirs of ſuch Son; And in caſe he ſhould have no Son living at the time of his death, he the ſaid Sir *E. M.* did give, deviſe and bequeath all his ſaid real Eſtate to ſuch Son as your Oratrix ſhould happen to be with child with at the time of his death; And if it did happen that he ſhould die without any Iſſue male, then his Will was, and he the ſaid Sir *E. M.* did give, deviſe and bequeath all his ſaid real Eſtate to ſuch Daughters as he ſhould have living, and that your Oratrix ſhould happen to be with child with at the time of his death, and to the Heirs of ſuch his Daughters; And if it happened that he ſhould dye without any iſſue lawfully begotten, then the ſaid Sir *E. M.* did give, deviſe and bequeath all his ſaid real Eſtate to your Oratrix, his then Wife, for and during the term of her natural life, and from and after her deceaſe; And in default of any Iſſue of his own Body his Will was, and he did thereby give, deviſe and bequeath all his ſaid real Eſtate to his well beloved Couſin *C. M.* Gent. the third Son of his well beloved and dear Unkle *W. M.* Eſq; then late of *T.* in the aforeſaid County of *M.* and to the ſaid *C. M.* for ever. And the ſaid Sir *E. M.* did likewiſe by his ſaid Will, give, deviſe and bequeath to your Oratrix, his then well beloved Wife all his Goods and Chattels, Money, Plate, Houſhold-ſtuff,

holdſtuff, and other perſonal Eſtate whatſoever, and did thereby direct your Oratrix, his ſaid Wife, to pay and diſcharge all ſuch juſt Debts as he ſhould owe at the time of his death. And his Will was, that your Oratrix ſhould receive all the Rents, Iſſues and Profits of his Eſtate for the ſpace of Ten years towards the payment of his Debts and the maintenance of his Children, and if your Oratrix ſhould happen to die within the ten years after his deceaſe, and before all his Debts were ſatisfied, then his Will was, and he did deviſe and bequeath all his Manors, Lands, Tenements and Hereditaments, and all his real Eſtate whatſoever to his well beloved Unkles *C. V.* of *L.* and *T. M.* of *B.* in the ſaid County of *M.* Eſq; and to their Executors and Adminiſtrators, and to the Executors and Adminiſtrators of the Survivor of them, to hold for the term of Ten years to commence from the day of his death, for and towards the payment of his juſt Debts, and the maintenance of his Children, untill they ſhould attain unto the Age wherein to make choice by Law of their Guardians; and at the end of the ſaid Ten years, or as ſoon as his Child or Children could by Law call for and take an accompt, he did direct the ſaid Mr. *C. V.* and Mr. *T. M.* to give an accompt of their Receits and Diſburſements of, for or concerning his Eſtate, in which accompts his Will was, that all reaſonable allowances and charges be made, given and allowed to the ſaid Mr. *C. V.* and Mr. *T. V.* and to their Exe-

cutors and Administrators: And he did thereby revoke all former Wills by him the said Sir *E. M.* made, and did nominate, constitute and appoint your Oratrix, his then Wife, his sole Executrix of his last Will and Testament, reserving to himself a power in case of sudden sickness, to add or alter any part of his last Will by Codicill in writing thereunto to be annexed: And your Oratrix farther sheweth unto your Lordship, that the said Sir *E. M.* on or about the eighth day of *May* 1682. by virtue of the power reserved to himself by his Will, bearing date as before mentioned, did make a Codicill, whereby he the said Sir *E. M.* did give and bequeath unto Mrs. *D. M.* and and Mrs. *L. M.* one hundred pounds in Money for two years last past before the date of the Codicill, and fifty pounds yearly during their natural lives, to be equally divided between them, and this to be paid to their lawfull Attorneys or Assigns upon every the twentieth day of *June*, and every the twentieth day of *October* yearly, by even and equal portions, if it should be lawfully demanded, and to continue during the life of the longest liver of them both; And he did also give and bequeath unto the Poor of the Parish of *L.* the sum of ten pounds to be paid within three Months next after his decease, and did give and bequeath unto the Church of *L.* ten shillings, and did give and bequeath to Mr. *T. B.* five pounds yearly during his life, and did give and bequeath to Dr. *J. J.* twenty pounds, a mourning

ning Suit and Ring, and did give and bequeath unto *J. T.* his Servant, the Farm he now enjoys during his natural life, and a mourning Suit and Ring; and did give unto *T. A.* his Servant, ten pounds, a mourning Suit and Ring: And your Oratrix farther ſheweth unto your Lordſhip, that the ſaid Sir *E. M.* having ſigned, ſealed, publiſhed and declared his ſaid laſt Will and Teſtament and Codicill in the preſence of ſeaven or more credible Witneſſes, and the ſaid Witneſſes having ſubſcribed and atteſted the ſaid laſt Will and Teſtament and Codicill of the ſaid Sir *E. M.* in the preſence of him, the ſaid Sir *E. M.* did deliver his ſaid laſt Will and Teſtament to be preſerved and kept; and ſhortly after, that is to ſay, on or about the eighth day of *May* 1682. the ſaid Sir *E. M.* died, leaving behind him your Oratrix *M.* and his ſaid two Daughters your Oratrices *A.* and *F. M.* And your Oratrices did well hope there could be no pretence of cavil about the ſaid laſt Will and Teſtament and Codicill of the ſaid Sir *E. M.* and that your Oratrices ſhould quietly hold and enjoy the Eſtate real and perſonal of him the ſaid Sir *E. M.* according to the true intent, meaning and purport of his ſaid laſt Will and Teſtament, the ſaid Sir *E. M.* the Teſtator being the onely Son and Heir of Sir *E. M.* of *L.* aforeſaid; But now ſo it is, may it pleaſe your Lordſhip, that Sir *J. M.* Baronet, next Brother to Sir *E. M.* deceaſed, Father to the Teſtator, doth pretend Title to the Manors

and Lands of your Oratrixes Husband and Oratrices Father, and doth give out in ſpeeches that your Oratrixes late Husband had no power to deviſe the ſaid Eſtate by his Will; and at other times, that if he had power, that he made no Will, nor any deviſe thereof; and in caſe he made any Will, that he was not *compos mentis*, nor of ſound and diſpoſing memory at the making thereof; In tender conſideration whereof, and foraſmuch as your Oratrix and Oratrices Witneſſes or moſt of them that can prove the ſaid laſt Will and Teſtament, and Codicill of the ſaid Sir *E. M.* are aged and infirm, and to the intent ſhe may examine them in this Court for preſervation of their Teſtimony for proof of the ſaid Will and Codicill, and that the ſame Will and Codicil by which the ſaid Manors and Lands are deviſed, may be produced by your Oratrix and Oratrices in this honourable Court, and their Evidence, Depoſitions and Teſtimony thereof, and touching the ſame may be here preſerved, for the making out your Oratrix and Oratrices Title to the ſaid Manors, Lands and Premiſſes: And to the end your Oratrix and Tenants Poſſeſſion in the ſaid Manors, Lands and Premiſſes may by this honourable Court be quieted and eſtabliſhed, and that your Oratrix and Oratrices may be relieved in all and ſingular the Premiſſes; may it pleaſe your Lordſhip, the Premiſſes conſidered, to grant unto your Oratrix and Oratrices his Majeſty's moſt gratious Writ

of

of *Subpœna* directed to the ſaid Sir *J. M.* Baronet, thereby commanding him at a certain day therein limited and expreſſed, perſonally to be and appear before your Lordſhip in his high and honourable Court of Chancery to make Anſwer unto all and ſingular the Premiſſes aforeſaid, and to ſtand to and abide ſuch Order therein, as to your Lordſhip ſhall ſeem meet,

And your Oratrix and Oratrices ſhall ever pray, *&c.*

A Bill to preſerve the Teſtimony of Witneſſes to a Will with ſeveral Codicills recited in hæc verba.

To the right honourable *George* Lord *Jeffreys*, Baron of *Wem*, Lord high Chancellor of *England*.

Complaining ſhew unto your Lorſhip, your Orators and Oratrices, *J.* Dutcheſs dowager of *N.* Widow and Relict of the moſt noble *H.* late Duke of *N.* Earl Marſhal of *England*, the Lord *G. H.* the Lord *T. H.* and the Ladies *K. N.* and *P. H.* Sons and Daughters of the ſaid *H.* and *J.* Duke and Dutcheſs of *N.* Infants, under the age of one and twenty years by *C. M.* their *Prochein Amy* and Guardian, That the ſaid late Duke of *N.* being in his life time, and at the time of his death, ſeiſed in his Demeaſne as of Fee ſimple, or ſome other Eſtate of Inheritance, whereof he had power to diſpoſe by his laſt Will and Teſtament in writing,

ting, of and in all those Manors of *R.* and *K.* and the Rectory of *R.* in the County of *T.* and the Manor of *G. alias G. D.* in the County of *D.* and the Advowson of the Vicarage, Parsonage or Parish-Church of *G.* and of and in several other Messuages, Lands, Tenements and Hereditaments hereafter mentioned, and being so seized, and of sound and disposing mind and memory, he the said Duke of *N.* did on or about the twentieth day of *January* 1682. make his last Will and Testament in writing in the words, or to the effect following: (That is to say) In the name of God *Amen*, I *H.* Duke of *N.* being of sound and perfect health, mind and memory, thanks be to God, do make and ordain this my last Will and Testament, First, I bequeath my Soul into the hands of Almighty God, firmly trusting to be saved by the merits of the bitter death and passion of my Saviour Jesus Christ, and my Body to the Earth to be decently buried without funeral pomp or ceremony among my Ancestors, it conveniently it may be; I hereby revoke all former Wills by me made and as touching and concerning that temporal Estate, both real and personal, where with it hath pleased God to bless me, I give devise and dispose of the same as followeth *Imprimis*, I give and devise all those Manors of *R.* and *K.* and the Rectory of *R.* in the County of *T.* and all that my Manor of *G. alias G. D.* in the County of *D.* and the Advowson of the Vicarage, Parsonage or Parish Church

Church of *G.* all that Meſſuage or Tenement, with the Appurtenances in *N.* four Acres of arable Land, and one Meadow lying together in the Demeaſnes of *N.* aforeſaid in the Counties of *C.* and *S.* or one of them; All that my Capital Meſſuage in *W.* in the County of *S.* together with the Meſſuage by me lately purchaſed of *A. B.* and *J. S.* Eſquires, in *W.* aforeſaid, with the Gardens, Orchards and Appurtenances to the ſame belonging, or therewith held and enjoyed; And all that my Meſſuage or Tenement with the Appurtenances and the Gardens and Orchards thereto belonging, ſcituate and being in the City of *N.* and County of *N.* commonly called *C.* Gardens; Alſo all that Wharf or parcel of Ground uſed for a Wharf in the Pariſh of *L.* in the ſaid County of *S.* now or late in the tenure or occupation of *B. C.* his Aſſigns or Undertenants; All that my Meſſuage or Tenement in *A.* I ſay I give, deviſe and bequeath all and every the aforeſaid Manors, Meſſuages, Lands, Tenements and Premiſſes in the ſaid Counties of *N. T. D. C. S. S.* and *M.* and all other my Lands, Tenements or Hereditaments of what nature or kind ſoever, in all or any of the ſaid Counties or elſewhere, within the Kingdom of *England* or elſewhere, unto my dear and loving Wife *J.* Dutcheſs of *N.* to have and to hold during her life, in full ſatisfaction of her Dower, and upon truſt and confidence, and to the intent that ſhe my ſaid Wife ſhall and will by and with ſome part of the Rents and Profits

Profits of the ſaid Manors and Premiſſes, bring up and maintain the Children between us. And my Will is, that ſhe my ſaid Wife ſhall during her life, make ſuch allowance to my ſaid Children for their education and maintenance as ſhe in her diſcretion ſhall think fit, my Son *G.* being the eldeſt to have a more liberal allowance, and all their maintenances and allowances not to exceed in the whole one third part of the clear Rents and Profits of my ſaid Manors and Premiſſes in the Counties of *D.* and *Y.* and if the number of my ſaid Children ſo to be maintained ſhall by death, marriage or other proviſion or accident be reduced under the preſent number of five, then the whole maintenance among them not to exceed a fourth part of the ſaid clear Rents and Profits of the ſaid *D.* and *Y.* Shires Eſtates. *Item*, I give and deviſe the ſaid Manors, Lands, Tythes and Premiſſes herein before bequeathed to my ſaid Wife, from and after her death unto my Son *G. H.* and the Heirs male of his body begotten, charged and chargeable with the Proviſoes, Annuities and Sums of Money as herein after is mentioned; and for want of ſuch Iſſue to my Son *J. H.* and the Heirs Male of his Body charged and chargeable with the ſums of Money herein after mentioned; and for want of ſuch Iſſue to all and every other Son and Sons that I ſhall have begotten on the body of my ſaid Wife, *J.* D. of *N.* or that ſhe ſhall be *enſient* with at the time of my death, and to the Heirs Males of their

their ſeveral Bodies ſeverally and ſucceſſively, the elder and his Heirs Males to be always preferred and taken before the younger; and for want of ſuch Iſſue to and among my Daughters *K. A.* and *P. H.* and all or any other Daughter or Daughters that I ſhall beget on the Body of my ſaid Wife *J.* Dutcheſs of *N.* or that ſhe ſhall be *enſient* with at the time of my Death, and the Heirs of the Bodies of my ſaid Daughters; and if all or any of them die without Iſſue, to remain to the ſurvivors of them my ſaid Daughters and the Heirs of their Bodies; and for want of ſuch Iſſue to my Son the Lord *T. H.* and his Heirs for ever. Provided always, and I do hereby will and deviſe that it ſhall and may be lawfull to and for my ſaid Wife by any Deed or Writing under her hand and Seal, teſtified by two or more Witneſſes, to grant, limit and appoint to my ſaid Son *J. H.* and the Heirs Males of his Body begotten, or for any leſſer Eſtate determinable on his death, ſo much and ſuch part of the ſaid Manors and Premiſſes as ſhe in her diſcretion ſhall think fit and convenient, ſuch part and ſo much to be granted, limited and appointed not to be leſs than one hundred pounds *per annum*, nor to exceed one thouſand pounds *per annum*. Provided alſo that it ſhall and may be lawfull to and for my ſaid Wife by any Deed or Writing under her hand and Seal, teſtified by two or more Witneſſes, to grant and appoint any ſum or ſums of Money payable to my Daughters *K. A.* and

P. H.

P. H. or any other my Child or Children that I may hereafter have by my ſaid Wife to be charged and chargeable upon the ſaid Manors and Premiſſes, ſo as ſuch ſums to be charged or appointed to be paid out of the ſaid Premiſſes be not leſs than five hundred pounds, and do not exceed three thouſand pounds a-piece, payable to ſuch Daughter or Daughters, Child or Children, or any equivalent by way of annuity, or ſo much of the Eſtate in Fee to that value. And in default of ſuch grant and appointment to be made by my ſaid Wife to the benefit of or to the ſaid *J.* I give and deviſe unto my ſaid Son *J. H.* for and during his life one annuity or yearly rent charge of five hundred pounds to be iſſuing and going out of all and every the ſaid Manors, Lands and premiſſes, to commence from and immediately after the Death of my ſaid Wife, with power to diſtrain for non-payment of the ſame, to be payable at two Feaſts or days of payment in the year, (that is to ſay) the Feaſts of the Annunciation of the bleſſed Virgin *Mary* and St. *Michael* the Archangel, by equal portions, the firſt payment to begin and be made on ſuch of the ſaid Feaſts as ſhall firſt happen next after the deceaſe of my ſaid dear Wife. And for want of ſuch grant and appointment to be made by my ſaid Wife unto my Daughter *K. H.* then I give and bequeath to her for her life one annuity or yearly rent charge of two hundred pounds to be iſſuing out of the ſaid Manors and Premiſſes, and to

commence

ommence after the death of my ſaid Wife, with power to diſtrain for the non-payment hereof, to commence and be payable and paid t the Feaſt days, as aforeſaid; And in in caſe ny ſaid Wife ſhall not make any grant or appointment to or for my ſaid Daughter *A. H.* hen I give and bequeath to her for her life, ne annuity or yearly rent-charge of two hunred pounds to be iſſuing out of the ſaid Preniſſes, with power to diſtrain for non-payment thereof, and to commence and be payaple and paid at the Feaſt days, and in manner s aforeſaid; And in caſe my ſaid Wife ſhall grant and appoint to and for my ſaid Daughter *P. H.* in ſuch manner as aforeſaid, then I give her during her life the like annuity or yearly Rent of two hundred pounds to be iſſuing out of the ſaid Premiſſes, with power to diſtrain for non-payment thereof, and to commence and be payable at the Feaſt days, and in manner as aforeſaid. And under the like condition, I give two hundred pounds *per annum* a-piece to every other of my Children that ſhall be begotten on my ſaid Wife, during their reſpective lives, which my ſaid Wife ſhall not make any grant or appointment for, according to the proviſo or power herein before contained, and direct the ſaid annuities ſo bequeathed to my ſaid Daughters and younger Children, for want of appointments to be made by my ſaid Wife, to commence after the death of my Wife, and to be paid half-yearly at every Michaelmas and Lady-day,

dy-day, the first payment to be made at such of the said Feast days as shall next happen after my said Wife's decease. And my will is that none of my said Children shall have their said Annuities in case my said Wife shall execute her power, and make any grant or appointment for them out of the said Estate. *Item*, I give all my arrears of Rent, Leases, Debts, Jewels, ready Money, and all and every my personal Estate whatsoever to my said Wife *J.* Dutchess of *N.* And of this my Will I make, constitute and ordain my worthy Friends *S. F.* and *D. S.* Esquires, and my Servant *C. M.* in trust for my said Wife, Executors, and do devise to them the Custody and Guardianship of my said Children and their Estates, till their respective full ages of one and twenty years: In witness whereof I have to this my last Will and Testament set my Hand and Seal this twentieth day of *J.* one thousand six hundred eighty two, *N* and *M.* Signed, sealed and published by the said *H.* Duke of *N.* for and as his last Will and Testament, in the presence of *P. R. N. F. R. L. P. L.* And afterwards the said *H.* Duke of *N.* having a desire to make some alteration of his said Will of the bequests therein mentioned, and to give some other Legacies to other persons than are given by his said Will, did on or about the fifth day of *J.* last annex a Codicill thereunto in the words following: (That is to say) A Codicill to be annexed to my last Will. Whereas I have by my last Will devised

and

and limited my Manors of *R.* and *K.* and the Rectory of *R.* in the County of *T.* my Manor of *G. alias G. D.* in the County of *D.* the Advowſon of the Vicarage of *G.* my Meſſuage and Lands in *N.* my Capital Meſſuage at *W.* with that other lately bought of Mrs. *B.* and others, my Meſſuage and Gardens called *C.* Gardens, my Wharfe or Ground now or late in the poſſeſſion of *B. C.* and all other my Lands, Tenements and Hereditaments, of what nature or kind ſoever within the Kingdom of *England*, unto my Daughters *K. A.* and *P.* and any other the Daughters by my now Wife *J.* Dutcheſs of *N.* and the Heirs of their Bodies in remainder after the deaths of my Sons the Lord *G. H.* and the Lord *J. H.* without Iſſue Male of their Bodies, with remainder over to my Son the Lord *T. H.* and his Heirs: Now I do hereby revoke the ſaid Deviſe of the ſaid Remainders to and among my ſaid Daughters, and alſo the ſaid remainder in Fee, thereby deviſed to my ſaid Son the Lord *T. H.* and all other deviſes and bequeſts in my ſaid Will contained of any my Manors, Lands or Tenements to my ſaid Daughters, or to my Son the Lord *T. H.* And I do hereby deviſe and appoint, that after the particular Eſtates in the ſaid Manors, Meſſuages and Premiſſes in and by my ſaid Will given and bequeathed to my ſaid dear Wife for her life, and afterwards to my ſaid two Sons *G.* and *J.* in tail male ſucceſſively ſhall ceaſe and determine: That then

all and every my said Manors, Messuages, Lands and Premisses (except my Messuage in *A.* which I have disposed of by Deed) shall be and remain unto Sir *H. G.* Knight, and *N. F.* Gent. their Executors and Administrators for the full term of one thousand years, without impeachment of waste. In trust, either by perception of profits, or by sale of all or any of the Premisses, to raise the sum of ten thousand pounds to be paid to such person or persons as my said Wife *J.* Dutchess of *N.* shall by any writing under her hand and seal appoint and direct, and for want of such direction and appointment, to the Executors or administrators of my said Wife, as also the several sums of two thousand pounds a-piece for every of my said Daughters, to be paid to them as an addition to their Fortunes, over and above such sums of money or annuities as I have appointed and impowred their Mother, my Wife, the Dutchess of *N.* to grant or appoint unto them, or that I have by my Will given unto them in default of such grant or appointment of my said Wife, my intent being onely to revoke their remainder or Estates in the said Manors and Premisses, and not any sums of Money or Annuities thereout payable or Estates that their said Mother hath by my said Will a power to grant them. And under this farther trust that the said Sir *H. G.* and *N. F.* their Executors and Administrators (in case my said Sons the said *G. H.* and *J. H.* shall die without Issue Male) shall in like manner by profits or sale raise and pay

the ſum of three thouſand pounds a-piece to the Daughters of my ſaid Sons the Lord *G. H.* and *J. H.* as ſhall live and attain to the Age of one and twenty, or live to be married; in caſe there be one, two or three ſuch Daughters, and no more. And in caſe they ſhall have more than three Daughters that ſhall live and attain to that age, and not leave any Iſſue Male; Then in truſt either by profits or ſale to raiſe the ſum of ten thouſand pounds to be equally divided among the ſaid Daughters: And after the end of the ſaid term of one thouſand years, and after the truſts of the ſame determined or performed, then I deviſe all and every the ſaid Manors, Lands and Premiſſes to my Son and Heir apparent, the right honourable *H.* Earl of *A.* and the Heirs Males of his body, and for want of ſuch Iſſue, to my ſaid Son the Lord *T. H.* and his Heirs. I give and bequeath one hundred pounds to *M. T.* the Wife of *D. T.* Eſq, and the like ſum of one hundred pounds to *E. H.* Daughter to Widow *S.* I give unto *C. H.* the ſum of ten pounds; to each of my Servants at the time of my death, beſides the wages due to them, half a years wages. I recommend to my Wife to beſtow ſomething in charity to poor people, but leave the *quantum* wholly to her diſcretion. I give my Daughter, the Lady *F.* and her Children, ten pounds *per menſen*, for one year next after my deceaſe; And in caſe her Husband does not take her home in that time, then I appoint one hundred pounds to be paid for carrying her and

her Child over to *Madrid* to her Husband there: And I recommend the care thereof to my ſaid Son the Lord *T.* to ſee this done. I forgive my Brother *C. H.* the Moneys which he oweth me (which I compute to amount to about ſeaventeen hundred pounds) upon condition, that he do within ſix months after my deceaſe, releaſe unto my Executors all demands. I earneſtly deſire my Son, the Lord *A.* to be kind and reſpectfull to my ſaid Wife and her Children, and be aſſiſting to them in what he may. As for ſuch Moneys as my Siſter the Lady *E.* hath at any time received of me, or that are owing by her to me, I bequeath the ſame to my ſaid Son the *E.* of *A.* and to *P. R.* and *C. B.* to be applyed and diſpoſed by them toward ſatisfaction of what he my ſaid Siſter can or may demand out of mine or my ſaid Sons Eſtates real and perſonal, or out of thoſe Eſtates that they the ſaid *P. R.* and *C. B.* ſtand feiſed of, or intruſted with for me and my ſaid Son. And my Will is that my aforeſaid Manors, Meſſuages, Lands and Tenements deviſed by my ſaid Will to my ſaid Wife the Dutcheſs of *N.* for her life with ſucceſſive remainders in tail Male to my Sons the Lords *G. H.* and *J. H.* and by this my Codicill deviſed in remainder to my ſaid Truſtees for one thouſand years, with ſucceſſive remainders over to my Sons the Earl of *A.* and the Lord *T. J.* be liable and ſubject in the firſt place to pay all ſuch debts as I have contracted, either for Money lent or expended for me.

me, Services done, or Goods delivered, at any time or times ſince the firſt day of *December*, In the year of our Lord one thouſand ſix hundred and eighty. And I hereby give my Executors in my ſaid Will named, power by ſale Leaſe or Mortgage of any the ſaid Manors, Meſſuages, Lands and Tenements, or any other my real Eſtate whatſoever, to raiſe Moneys for payment of my ſaid debts (any thing before in my ſaid Will or this my Codicill contained to the contrary notwithſtanding) In witneſs whereof, I have to this Codicill contained in three Sheets of Paper, ſet my Hand and Seal this fifth day of *J.* 1683. *N.* and *M.* Signed, ſealed and publiſhed by the ſaid *H.* Duke of *N.* and declared to be part of his laſt Will and Teſtament in the preſence of *C. B. P. B. R. R. C. M.* And afterwards on or about the eighth day of *J.* laſt, the ſaid *H.* Duke of *N.* did make ſome other alteration in his ſaid Will, and annexed another Codicill thereunto in theſe words following. (That is to ſay) Another Codicill to be annexed to my laſt Will. Whereas I have by my laſt Will given and bequeathed to my dear Wife *J.* Dutcheſs of *N.* for her life, all thoſe my Manors of *R.* and *K.* and the Rectory of *R.* in the County of *T.* my Manor *G. alias G. D.* in the County of *D.* the Advowſon of the Vicarage of *G.* my Meſſuage and Lands in *N.* my Capital Meſſuage at *W.* with that other lately bought of Mrs. *B.* and others, my Meſſuage and Garden called

led *C. G.* my Wharf or Ground now or late in the poſſeſſion of *B. C.* and all other my Lands, Tenements and Hereditaments of what nature and kind ſoever within the Kingdom of *England*, but did by my ſaid Will charge my ſaid Wife's Eſtate for life in the ſaid Manors and Premiſſes, with the payment of a third or other ſhare of the Rents and Profits to and among my Children by her, for their maintenance, during my ſaid Wife's life. Now I do hereby declare my mind and Will to be, that my ſaid dear Wife ſhall not be obliged to pay or allow to my ſaid Children out of the ſaid deviſed Manors and Premiſſes above the ſum of one hundred pounds *per annum* a-piece during my ſaid Wife's life, for their reſpective maintenances; And I do hereby confirm and deviſe all the ſaid Manors and Premiſſes, and the whole Rents and Profits thereof to my ſaid dear Wife to her own uſe, except the ſaid ſeveral ſums of one hundred pounds *per annum* payable to my ſaid Children reſpectively for their maintenance, during the life of my ſaid Wife. And my Will is, in caſe either or any of my ſaid Children ſhall die in the life time of my ſaid Wife, Then the one hundred pounds *per Annum* payable to ſuch Child or Children ſo dying ſhall ceaſe, and not be paid or payable from or after their reſpective deaths. And in regard I have had great experience of the Honour, integrity and Prudence of my ſaid dear Wife, I do therefore hereby give her full

power

power and authority to make or lett any Leaſe or Leaſes in writing under her Hand and Seal of my ſaid Manor of *G. alias G. D.* or of any my Meſſuages, Lands Tenements or Hereditaments within the ſaid Manor of *G.* or elſewhere in the County of *D.* I ſay, of the whole or any part or parts thereof, for the full term or terms of threeſcore years, or any leſſer term or terms number or numbers of years, ſo as the yearly Rent and Rents to be reſerved and made payable by ſuch Leaſe or Leaſes, or the other Rents payable for or out of the ſaid Manor and Premiſſes, be in the whole treble the value of the whole Rents reſerved, and now payable out of the ſaid Manor and Premiſſes by the preſent Tenants during their Leaſes now in being. And my Will is, that my ſaid Wife may execute ſuch her power of making Leaſes from time to time, as well during the time any the preſent Leaſes of the Manor and Premiſſes ſhall be or continue in being, as afterwards; And do hereby deviſe and confirm the ſaid ſeveral Premiſſes to the reſpective perſons and Leſſees that my ſaid Wife ſhall make ſuch Leaſe or Leaſes unto, for the ſeveral and reſpective terms to be by her demiſed, as aforeſaid. And what is in this and my former Codicill contained, my Will is, ſhall take place and be obſerved, any thing in my Will to the contrary notwithſtanding. And I hereby nominate my noble friend the right honourable *G. M.* of *H.* Overſeer of my Will, and

do hereby desire him, as he hath always been my noble, faithfull friend, so to continue his friendship and kindness to my dear Wife and Children. And I declare this as part of my last Will and Testament: In witness whereof I have hereunto set my Hand and Seal this eighth day of *J.* one thousand six hundred eighty three. *N.* and *M.* Signed, sealed, published and declared by the said *H.* Duke of *N.* as a Codicill to, and part of his last Will and Testament, in the presence of *H. S. G. A. P. B. P. C. M. R. R.* as in and by the said last Will and Testament and Codicills thereunto annexed, duly signed, sealed and published (relation being thereunto had) may appear. Shortly after the making and publishing of which said Will and Codicills, (that is to say) on or about the day of *J.* last past, the said *H.* Duke of *N.* died so seised of the said Manors and Premisses, leaving your Oratrix *J.* Dutchess of *N.* his Widow and Relict, and the most noble *H.* now Duke of *N.* his eldest Son and Heir at Law, and the Lord *T. H.* and your Orator and Oratrices *G. J. K. A.* and *P. H.* his younger Children. And the said Wills and Codicills being duly sealed and published by the said *H.* Duke of *N.* when he was of sound and perfect mind, memory and understanding, the same ought to stand and be performed, and your Oratrix the Dutchess of *N.* and your Orators and Oratrices her Children ought to have, hold, possess, re-

ceive

ceive and enjoy the ſeveral Eſtates, Annuities, Legacies and Bequeſts to them given and deviſed by the ſaid Will and Codicills of and in the ſaid Manors and Premiſſes therein mentioned. But now, ſo it is, may it pleaſe your Lordſhip, that the ſaid *H.* now Duke of *N.* the Son and Heir of the ſaid late Duke, doth deny that the ſaid *H.* late Duke of *N.* ever made and publiſhed the ſaid Will and Codicills, and ſometimes pretendeth that the ſaid late Duke had no power to make ſuch Will and Codicills, and deviſe the ſaid Manors and Premiſſes as thereby he hath done, and at other times that the ſaid late Duke was not of ſound and diſpoſing memory and underſtanding at the ſealing and publiſhing of the ſaid Will and Codicills, although he the ſaid now Duke well knows or believes the contrary. And the ſaid now Duke threatens, that when the ſaid Witneſſes to the ſaid Will and Codicills are dead, that then he will conteſt the ſame and the validity thereof, and ſet up his Title as Heir at Law to the ſaid Manors, Lands and Premiſſes. All which doings of the ſaid Duke are contrary to Equity and good Conſcience. In tender conſideration whereof, and foraſmuch as your Orators and Oratrices cannot examine their Witneſſes *in perpetuam rei memoriam*, to preſerve their teſtimony, and prove the due ſealing and publiſhing of the ſaid Will and Codicills, without the aid and aſſiſtance of this honourable Court;

Court: To the end therefore that the ſaid *H.* Duke of *N.* may ſet forth and diſcover whether the ſaid late Duke of *N.* his Father, did not make ſuch Will and Codicills as are herein before ſet forth, and whether he doth not know or believe that the ſaid late Duke was *compos mentis*, and of ſound and diſpoſing mind and memory and underſtanding at the ſealing and publiſhing of the ſame, and whether he had not good power and authority to make ſuch Will, and to deviſe the ſaid Manors and Premiſſes in ſuch manner as by the ſaid Will and Codicills he hath done; And that the ſaid now Duke may true Anſwer make to all and ſingular the premiſſes; And that your Orators and Oratrices may have the aid and aſſiſtance of this honourable Court to examine their Witneſſes *in perpetuam rei memoriam*, for preſervation of their Teſtimonies, and may have ſuch relief in the Premiſſes as is uſually given in ſuch caſes. May it pleaſe your Lordſhip to grant unto your Orators and Oratrices your Lordſhip's Letter to be directed to the ſaid *H.* Duke of *N.* thereby requiring him, *&c.*

A. P.

A. Bill

A Bill in the Exchequer for Tithes.

To the Right Honourable, *&c.*

Humbly complaining, ſheweth unto your Lordſhip, your daily Oratour, *J. J.* Clerk, Vicar of the Pariſh Church and Vicarage of *B.* in the County of *L.* Debtor and Accomptant to his Majeſty, as by the Records of his Court appeareth, That your Oratour, about forty years ſince, was lawfully preſented unto, and admitted, inſtituted and inducted into the ſaid Church and Vicarage. By virtue whereof your Oratour ought to enjoy all the Tithes, Duties and Profits whatſoever belonging to the ſaid Vicarage, as your Oratour's Predeceſſours, the former Vicars thereof have heretofore enjoyed the ſame. And your Oratour farther ſheweth, That from the time whereof the memory of Man is not to the contrary, or otherwiſe by ſome ancient endowment or compoſition, the Vicar of the ſaid Pariſh Church and Vicarage for the time being, hath been entituled unto, and hath from time to time received, and ought to take, receive and enjoy all the Tithes of Hay, and all the ſmall and privy Tithes yearly from time to time coming, growing, happening, increaſing and renewing within the ſaid Pariſh of *B.* and the tithable places thereof. And that all the Tithes of Hay, Calves, Sheep, Lambs, Wool and Milk, and all other ſmall Tithes, yearly ariſing, happening, grow-

growing, increasing and renewing within the said Parish, and the tithable places thereof by virtue of such Custome, ancient Endowment or Composition, ought to be paid in Kind unto the Vicars of the said Vicarage for the time being, or else some Rate, Composition, or summ of Money in lieu of the same, and so ought to have been paid and rendred to your Oratour, as Vicar thereof. And your Oratour farther sheweth, that *S. S.* of, &c. did in the year of our Lord 1660, and 1661, occupie and possess about 30 Acres of Meadow ground, and about 16 Acres of Pasture Ground within the said Parish, and yearly mowed the Grass growing upon the said Meadow Ground, and made the same into Hay, and Inned the same, amounting (in the whole) to the number of 60 Load of Hay and upwards by the year, every Load being worth about 20*s.* the tithe of which Hay was yearly worth about 6*l.* And he the said *S. F.* did yearly keep and depasture within the said Parish, and the tithable places thereof, about eight Milch Cows, and 200 Sheep, and had yearly falln from the said Cows about 8 Calves, and had yeaned about 100 Lambs yearly from the said Sheep, and did yearly clip and shear from the said Sheep about 200 Fleeces of Wool; every Calf being worth about 12*s.* and every Fleece of Wool about 4*s.* The Tithes of which Calves, Lambs and Wool, were yearly worth 50 l. and upwards. And he the said

S. F.

S.F. had and kept yearly within the ſaid Pariſh, and the tithable places thereof, ſeveral other things tithable, the Tithes whereof were yearly worth 5*l.* And your Oratour further ſheweth, that *J. N. S. N. H. &c.* have ſeverally and reſpectively within the ſaid ſeveral years of our Lord 1660, & 1661, occupied, and poſſeſſed ſeveral Meadow grounds and Paſtures, lying and being within the ſaid Pariſh, and the tythable places thereof, and had and kept there during all the ſaid times ſeverally ſeveral things tithable, and ſeverally mowed there a great Quantity of Graſs, and made the ſame into Hay, and inned the ſame. All which ſaid Lands, Grounds, Hay, and things tithable, of every of the ſaid perſons, were of the like number, natures, kinds, quantities and qualities, and values as are before charged againſt the ſaid *S.F.* All which ſaid Tithes, Duties and rates for Tithes have been due and payable for the ſeveral years aforeſaid, and ought to have been paid to your Oratour, as Vicar thereof: Yet now ſo it is, may it pleaſe your Lordſhip, That the ſaid *S.F. J.N, &c.* by combination and confederacy between themſelves, and together with ſeveral other perſons, as yet unknown to your Oratour (whoſe Names when they ſhall be diſcovered, your Oratour prayeth may be inſerted into this your Oratours Bill of Complaint, and themſelves made Parties thereunto, with apt words to charge them,) refuſe

to

to pay unto your Oratour the said Tithes Duties, and Sums of Moneys, pretending that Tithes in kind are not due, nor ought to be paid unto your Oratour. But that some rates or summs of money are due, and ought to have been paid in lieu of Tithes, and yet they refuse to make known unto your Oratour what the said Rates or Summs of Money are, and to pay the same, although they have been often in a friendly manner required to make the same known, and to pay the same accordingly, whereby your Oratour is in some measure disabled to pay the Debt which he oweth to his Majesty. In tender Consideration whereof, and for that your Oratour cannot exactly prove the several Natures, Numbers, Kinds, Quantities or Values of the said Tithes, and things tithable, but onely in conjecture, as aforesaid, and therefore is remediless, save onely in Equity before your Lordship in this Honourable Court: To the end therefore that they the said *S. F. J. W. N. H.* and *T. L.* and the rest of the said Confederates when they shall be discovered may set forth what Number of Acres of Meadow Ground and Pasture they severally and respectively occupied and possessed, and what the Rents or yearly value of the said Grounds and Pasture were, And what quantity of Grass they severally mowed, and made into Hay, in each of the said years, and what their several Tithes thereof were yearly worth, and what number of Cows and Sheep they severally

rally depaſtured within the ſaid Pariſh; and what number of Calves they had ſeverally fallen; and what number of Lambs they had ſeverally yeaned; and what quantity of Wool they ſeverally ſhore; and what their ſeveral and reſpective Tithes of Calves, Lambs and Wool were yearly worth; and what other Tithes, or things tithable, they ſeverally had and kept in each of the ſaid years within the ſaid Pariſh. And to the end that they the ſaid *S. F. &c.* may diſcover whether Tithes in kind; or Compoſitions are due in lieu of Tithes, and what the ſaid Rates or Summs of Money are, and for what things, and in what manner, and at what times payable, and may pay the ſame. And to the end that they the ſaid Confederates may diſcover the truth thereof, and may pay unto your Oratour all and ſingular the Tithes and Duties due in arrears as aforeſaid: As alſo their Tithes and Duties for the future, as the ſame ſhall grow due, ſoe long as your Oratour ſhall continue Vicar of the ſaid Church and Vicarage, and they the ſaid Confederates continue to be Occupiers of any Grounds, or things tithable within the ſaid Pariſh, your Oratour not deſiring to take the Advantage of the forfeiture of the treble Value, or of any other forfeiture, but well contenting himſelf with the ſingle value onely. And to the end they the ſaid *S. F. &c.* may true Anſwer make to all and ſingular the Premiſſes. And to the end your Oratour may be relieved therein accordingly,

dingly, May it please your Lordship to grant unto your Oratour his Majesties Process of *Subpœna*, under the Seal of this honourable Court, to be directed unto the said *S. F.* and the rest of the said Confederates, when discovered, thereby commanding them, and every of them, at a certain day, and under a certain pain, therein to be limited, personally to be and appear before your Lordship in this Honourable Court of Exchequer Chamber at *Westminster*, then and there to answer to all and singular the Premisses, and further to stand to, perform and abide such Order Direction and Decree therein, as to your Lordship shall seem meet.

And your Oratour shall ever pray, *&c.*

A Bill to redeem a Mortgage.

To the Right Honourable, *&c.*

Humbly complaining, sheweth unto your good Lordship, your daily Oratour *A. M.* *L.* Son and Heir of *A. M.* late of *M.* in the County of *E.* Gent. deceased, That the said *A M.* your Oratour's said late Father deceased, was heretofore, that is to say, in or about the year of our Lord 1642. seized in his demesne as of Fee, or some other good Estate of Inheritance, of and in all that capital Messuage or Tenement, commonly called or known by the name of *W.* scituate, lying and being in *M.* aforesaid, with all the Outhouses Edifices, Buildings, Yards, Orchards and Gar-

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dens thereunto belonging: And alſo of and in all that Meadow commonly called or known by the name of P. Mead, containing by Eſtimation 17 Acres, lying in the Pariſh of *S.* in the ſaid County of *E.* And your Oratour's ſaid Father being ſo of the ſaid Meſſuage and Premiſſes ſeiſed as aforeſaid, he the ſaid *A. M.* your Oratour's ſaid late Father, did, in or about the month of *J.* which was in the year of our Lord God 1644. borrow of one *A. S.* Widow, the ſumm of 500 *l.* and for the ſecuring of the payment of the ſaid 500 *l.* with Intereſt the ſaid *A. M.* your Oratour's ſaid late Father deceaſed, in and by a certain Indenture, bearing date on or about the 26th day of *J.* in the ſaid year of our Lord God 1644. did grant, bargain and Sell the ſame Meſſuage, Lands and Premiſſes before mentioned, unto the ſaid *A. S.* her Heirs and Aſſigns, for ever. Provided neverthelefs, and upon this condition, that if the ſaid *A. M.* his Heirs, Executours, Adminiſtratours or Aſſigns, or any of them, did pay, or cauſe to be ſaid unto the ſaid *A. S.* her Executours, Adminiſtratours or Aſſigns, at or in the then Dwelling Houſe of *W. P.* Mercer, ſituate in *C.* in the County of *E.* the full ſumm of 590 *l.* of lawfull Money of *England*, in manner following, That is to ſay, the ſumm of 15 *l.* parcell thereof upon the 8th of *J.* next enſuing the date thereof, and the like Summ of 15 *l.* more thereof upon the 12th of *J.* in the year 1645. And 15 *l.* more upon the ſecond

day of *July* then next following, and 15*l.* more on the 12th of *J.* 1646 and 15*l.* more on the 12th of *J.* then next following, and 515*l.* reſidue upon the 12th of *J.* 1646. that then the ſaid Bargain and Sale ſhould be void, as by the Deed of Bargain and Sale on that behalf may appear. And your Oratour farther ſheweth unto your Lordſhip, that the ſaid *A. M.* did for ſome time after the ſaid Mortgage ſo made as aforeſaid, pay the Intereſt of the ſaid 500*l.* as the ſame became payable as aforeſaid; But the late Wars and Troubles in this Nation happening, and the ſaid *A. M.* being thereby lately impoveriſhed, as alſo by Loſſes and otherwiſe, and wanting Moneys, did neglect to continue the payment of ſome of the ſaid Intereſt Moneys, and thereupon the ſaid *A. S.* did about 14 years ſince enter into the ſaid Meſſuage and Premiſſes, as aforeſaid mortgaged unto her; and ſhe the ſaid *A. S.* by her Self, her Servants, Agents and Tenants, did divers years together take and receive the Rents Iſſues and Profits of the ſaid Meſſuage and Premiſſes And did thereby yearly make receive and had the ſumm of 40*l.* and upwards And the ſaid *A.* dying about 10 years ſince One *W. P.* of *C.* in the ſaid County of *E.* Mercer and one *W. P.* of *R.* in the ſaid County of *E.* Yeoman immediately after the death of the ſaid *A. S.* did enter into the ſaid Meſſuage and Premiſſes. And for divers years together did take and receive the ſaid Rents and Profits of

of the ſame Meſſuage and Premiſſes, pretending to have ſome Title to the ſame, by or under ſome Demiſe or Grant of the ſaid *A. S.* and of late one *T. C.* of *L.* Vintner, hath alſo entred into the ſame Meſſuage and Premiſſes, and held and enjoyed the ſame, and taken and received the Rents, Iſſues and Profits thereof to his own uſe, by virtue or colour of ſome Grant, Conveyance, or Eſtate thereof to him made, as he pretendeth by the ſaid *W. P.* or *W. P.* or one of them. And the ſaid *T. C.* hath lately pulled and taken down one Barn of 4 Bays of Building, lately ſtanding, and being parcel of the ſaid Mortgaged Premiſſes, worth, *&c.* and upwards, to be ſold, and hath removed the ſame Barn off from the ſaid Mortgaged Premiſſes, and converted the ſame to his own uſe. And your Orator farther ſheweth unto your good Lordſhip, that the ſaid *A. M.* your Oratour's ſaid late Father, in the month of *M.* laſt dyed, and the ſaid Grant and Conveyance of the ſaid Meſſuage and Premiſſes ſo made by the ſaid *A. M.* deceaſed, to the ſaid *A. S.* deceaſed, being but a Mortgage for Security of Money. And the ſaid Money intended to be thereby ſecured, being ſince paid and ſatisfied by the Receipt of the profits of the Premiſſes, by the ſaid *A. S. W. P. W. P.* and *T. C.* or ſome or one of them And in caſe any part of the Money thereby intended to be ſecured, be yet remaining unſatisfied, your Oratour (who is Son and Heir to the ſaid *A. M.* deceaſed)

ceaſed) is willing to ſatisfie and pay the ſame And ſo your ſaid Oratour, being Son and Heir of the ſaid *A. M.* deceaſed, according to the Rules of Equity and good Conſcience, &c. But ſo it is, May it pleaſe your good Lordſhip, that the ſaid *W. P.* of *H.* (the ſaid *W. P.* and *T. C.* being ſince dead,) and the ſaid *T. C.* do detain and keep the ſame Meſſuage and Premiſſes from your ſaid Oratour, and by combination and confederacy amongſt themſelves, do refuſe to diſcover which of them hath the Intereſt in Law in the ſame Bargain and Sale, or Eſtate ſo made by the ſaid *A. M.* deceaſed, or by what means the ſame is come unto them, or either of them. And albeit the ſaid *A. S.* deceaſed the ſaid *W. P. W. P.* & *T. C.* have raiſed great Summs of Money out of the Rents and Profits of the Premiſſes, yet do they the ſaid *W. P.* of *H.* and *T. C.* refuſe to give any Account unto your Oratour for the ſame. And the ſaid *W. P.* of *H.* and *T. C.* do give out in ſpeeches, that they, or one of them, will hold the poſſeſſion of the ſame Premiſſes as a forfeited Mortgage, and will take the full and ſtrict advantage thereof in Law; ſo that your Oratour is remedileſs in the Premiſſes, ſave onely by the aid of this Honourable Court. In tender Conſideration therefore of the Premiſſes, and to the end the ſaid *W. P.* of *H.* and *T. C.* may by their Anſwers diſcover and ſet forth what Eſtate or Title they or either of them do claim, in or to the ſaid Meſſuage and Premiſſes, and under what Practices or

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Conditions, and what Moneys were intended to be thereby ſecured and to whom, and what they or any of them, or the ſaid *A. S.* deceaſed, have received by the Rents and Profits of the Premiſſes or otherwiſe, towards ſatisfaction of the ſaid Debt, ſo ſecured by the Premiſſes as aforeſaid. And may accompt to him your ſaid Oratour concerning the ſame. And that in caſe the ſame ſhall appear to be ſatisfied, (or otherwiſe if any Accompt be due upon the ſame,) that upon your Oratour's payment of what ſhall appear to remain unſatisfied, they may reconvey the ſaid Mortgage or Eſtate to your Oratour, or otherwiſe diſpoſe thereof as your Oratour ſhall appoint, and may not be allowed to take advantage of the Forfeiture of the ſaid Mortgage. And that your Oratour may be relieved in all and ſingular, *&c.* May, *&c.*

A Bill to be relieved upon breach of Covenants by the Defendents, who have brought an Ejectment againſt the Plaintiff at Common Law.
Drawn by Mr. *Feltham* of *Grays-Inn.*

To the Right Honourable, *&c.*

Humbly complaining ſheweth unto your Lordſhip, your Oratour *C. S.* of *N.* in the County of *N.* Eſq; That Sir *H. W.* and *F. W.* or one of them, being ſeiſed in Fee, or having good power and authority ſo to doe, did by Indenture, bearing date on or about the 21ſt day of *January*, which was in the year

of our Lord 1649. demiſe unto *J. P.* then of *M.* in the County of *N.* Eſq; and *J. S.* of *N.* aforeſaid Eſq; deceaſed, one Cottage or Tenement called M. lying on the Eaſt ſide of the River *O.* in *N.* aforeſaid, with ſix Acres of Arable Lands, lying in H. Field in the ſaid County, together with all the ſeveral Fenns, and Fenny Grounds of him the ſaid Sir *H. W.* on the Weſt ſide of the ſaid River *O.* and lying and being within the Pariſhes of *H. S. L.* and *W.* to commence from the Feaſt of St. *Michael* the Archangel, in the year of our Lord 1650. for the term of 21 years, from thenceforth fully to be complete and ended, at and under the yearly Rent of 42 *l.* 10 *s.* In which ſaid Leaſe the ſaid Sir *H. W.* and *F. W.* did thereby agree and covenant, that it ſhould be lawfull for the ſaid *J. P.* and *J. S.* their Executors, Adminiſtrators and Aſſigns, during the ſaid Term to make upon the ſaid Fenny Grounds, or any part thereof, Banks, Sluces, Drains, Ditches, for improving and draining the Common and Premiſſes. And the ſaid Sir *H.* and *F. W.* did, in and by the ſaid Indenture of demiſe agree and covenant to make unto them the ſaid *J. S.* and *J. P.* a new Leaſe of the ſaid demiſed Premiſſes, and of every part and parcel thereof for 21 years more to commence from and after the expiration of the ſaid former Leaſe, as by the ſaid Leaſe if produced the ſame would more fully and plainly appear. And in conſideration and contemplation thereof they the ſaid *J. P.*

and

and *J. S.* And your Orator to whom the ſaid Leaſe, and the Intereſt thereof afterwards came by good and lawfull Aſſignment laid out and expended divers great ſumms of Money in draining, banking, ditching, fencing, and other improvements in and upon the Premiſſes to the value of 1000*l.* at leaſt And your Orator farther ſheweth that the Reverſion and Inheritance of the ſaid demiſed Premiſſes, coming afterwards unto Sir *J. W.* ſince dead who had or could not but take notice of the ſaid Covenant and Agreement for a farther term of 21 years as aforeſaid, the counterpart of the ſaid leaſe coming to the hands cuſtody or knowledge of the ſaid Sir *J. W.* And the ſaid *J. S.* and *J. P.* having alſo in confidence of the ſaid Leaſe and Covenants and Agreements therein contained built ſeveral Houſes upon the ſaid demiſed Premiſſes at their own proper coſts and charges they or one of them did requeſt of him the ſaid Sir *J. W.* (in performance of the ſaid Agreement and Covenant, which he well knew or had credibly heard of and did believe the ſame) to make a new Leaſe for other 21 years accordingly but he refuſed ſo to doe And the ſaid Sr. *J. W.* departing this life left Iſſue *E. W.* his onely Daughter and Heir And Dame *S.* his Relict who was Mother and Guardian to the ſaid *E.* ſoon or not long after intermarried with the late Lord *F.* who although they had ſeen the Counterpart of the ſaid Leaſe and Covenant or Agreement to

make a naw Leaſe or had heard thereof and been requeſted at leaſt to permit enjoyment of the ſaid demiſed Premiſſes accordingly did on or about the 22d. day of *March* in the 23d. year of his now Majeſties Reign make a Leaſe of the ſaid Premiſſes and alſo of a piece of ground called the Lord's piece unto one *J. T.* for the terme of 11 years to commence from the 25th day of *March* laſt mentioned at and under the yearly Rent of 28 l. a year and received had and took 180 *l.* Income or Fine for the ſame from him the ſaid *J. T.* for the uſe and benefit of the ſaid *E. W.* as her Guardian ſhe being then an Infant And the ſaid *J. T.* being poſſeſſed of the ſaid Premiſſes by virtue of the ſaid Leaſe paid the ſaid Rent to the ſaid Lord *F.* as Guardian in right of his Lady to the ſaid *E. W.* And your Orator having a right to have had a Leaſe thereof for 21 years by and under the ſaid Covenant and Agreement in the ſaid Leaſe made to the ſaid *J. P.* and *J. S.* but not well knowing how to have the ſame in regard of the Infancy of the ſaid *E. W.* the Heir did to gain the poſſeſſion of the Premiſſes take an Aſſignment of the ſaid Leaſe to the ſaid *J. T.* and the ſame is by good and ſufficient aſſurance in the Law, aſſigned unto and veſted in your Oratour for and during the remainder of the term therein to come and unexpired And your Oratour paid the ſaid Rent for the ſame to the ſaid Lord *F.* and Dame *S.* his ſaid Wife as Guardian as aforeſaid during his Life And

the

the ſaid Lord *F.* dying the ſaid Dame *S.* his Relict received the ſaid Rent and hath ſince intermarried with Sir *G. S.* Kt. Lord Viſc. *C.* in the Kingdom of *Ireland* to whom as Guardian to the ſaid *E. W.* in the right of his Lady, and alſo as Guardian to *N. S.* Eſq; who hath ſince intermarried with the ſaid *E. W.* the ſaid yearly Rent of 28 *l.* hath been paid by your Orator, and he accepted the ſame untill Lady day now laſt paſt when or to which time and ſince *viz.* at or about *Mich.* laſt paſt your Orator alſo tendred all the Rent in arrear to the ſaid Lord Viſcount *C.* or his Receiver or Bailiff Although as your Orator farther ſheweth there hath been taken away from your Orator of the ſaid demiſed Premiſſes 400 Acres by the Adventurers for the great Levell of the Fens and 200 Acres by one *G. P.* And your Orator is and hath been deprived of a great part of the Common and waſte ground lying common belonging to the ſaid demiſed Premiſes by reaſon of the incloſing of the ſaid common and waſte by the ſaid Sir *J. W.* and ſuch as claimed the Reverſion of the Premiſſes Lord or Lords of the Mannor to which the ſame doth belong without any conſent of your Orator or his having his proportionable part of Common ſet out and allowed to him in lieu thereof By reaſon whereof and of frequent breaches of the Sea and Inundations the ſaid demiſed Premiſſes have been of little value to your Orator and your Orator much damnified in the

ſaid

ſaid Premiſſes and never had any apportion-
ment of Rent or other ſatisfaction or allow-
ance made for the ſame And although your
Orator hath been at ſo great charges and
ſuffered ſo great loſſes and paid and tendred
his Rent as aforeſaid and ought in Equity not
onely to enjoy the ſaid demiſed Premiſes un-
till the expiration of the ſaid term of eleven
years but alſo untill the end and expiration
of the ſaid ſecond term of 21 years according
to the ſaid Covenant and Agreement And not-
withſtanding the ſaid Fine paid and received
as aforeſaid Yet now ſo it is May it pleaſe
your Lordſhip that the ſaid *N. S.* and *E.* his
Wife being yet in their minorities and under
the ſaid Guardianſhips or Tuition of the ſaid
Sir *G. S.* Ld. Viſc. *C.* and Dame *S.* his Wife or
one of them and having gotten all the Deeds
Evidences and Writings into their cuſtody
have lately delivered ſeveral Declarations in
Ejectment to your Orator's Tenants of the
Premiſſes in the name of the ſaid Lord Viſc.
C. Leſſee therein to evict your Orator and
his Tenants out of poſſeſſion of the Premiſſes
And your Orator farther ſheweth that one
R. B. Eſq; and *M.* his Wife and *M. A.* her Si-
ſter Daughter of Sir *T. A.* Baronet do like-
wiſe pretend and claim title to the ſaid Pre-
miſſes by virtue of ſome conveyance thereof
to them the ſaid *M.* and *M. A.* and their Heirs
or otherwiſe from the ſaid Sir *J. W.* or Sir
H. W. And they by virtue or colour there-
of do likewiſe demand the Rents Iſſues and

Pro-

Profits of the Premiſſes and an Accompt thereof And to that end pretend they have made ſome Entry or Entrys upon your Orator to intitle them thereunto and do threaten that they will alſo bring Actions of Ejectments and for the meſne profits againſt your Orator Whereas if they have any ſuch conveyance the ſame is after the Covenant in the ſaid firſt Leaſe to the ſaid *J. P.* and *J. S.* for making another Leaſe for 21 Years and notice thereof or at leaſt after they had heard thereof and of the ſaid Leaſe And the ſaid abovenamed perſons combining together or to and with divers other perſons do ſo diſturb your Orator's Tenants in their quiet enjoyment and poſſeſſion of the Premiſſes that they will not pay any Rent unto your Orator by reaſon of ſuch diſturbances All which doings are contrary to all Right Equity and good Conſcience In tender conſideration whereof And for that your Orator's Title is onely in Equity and is utterly remedileſs at and by the ſtrict rules of the Common Law of this Land And your Orator's Witneſſes which could prove the Premiſſes are either dead or gone into parts remote beyond the Seas altogether unknown unto your Orator To the end therefore that the ſaid Sir *G. S.* Lord Viſc. *C.* and Dame *S.* his Wife *N. S.* Eſq; and *E.* his Wife *R. B.* Eſq; and *M.* his Wife and *M. A.* may upon their ſeveral corporal Oaths ſet forth whether they do not know have heard and do believe there was ſuch Leaſe made to the ſaid *J. P.* and *J. S.* with

with such Covenant and Agreement therein for a new Lease as is above mentioned And whether there was not such Lease made to the said *J. T.* as aforesaid or what Lease was made unto him and by whom and what Fine or Income was paid for the same and who received the same And whether they do not know or have heard and do believe that your Orator and those whose interests he claims have not had great quantities of the said Fenny Grounds and his Common and how much thereof taken away from him or them and how much and by whom and when and whether any apportionment of Rent or other satisfaction or allowance and what hath been made to your Orator for or in respect thereof And may set forth whether the said Dame *S. S.* did not receive the said Rent of your Oratour during her Widowhood and the said Lord Viscount *C.* or his Bailiff or Receiver since their Intermarriage and what Rent hath been paid or tendred by your Orator and to whom and when and for whose use such Rent as hath been paid hath been received And that the said Confederates may set forth what Title they respectively claim unto the said Premisses and by and from whom and how and the respective dates & times thereof And whether they derive not their Title from or under the Title and Estate of the said Lessors of the said *J. P.* and *J. S.* And what Title the said *N. S.* intends to insist upon at the Tryal of the

the ſaid Ejectment And whether he or the ſaid Lord *C.* have not got the Deeds Evidences and Writings which would evidence and maintain your Orator's Title and Intereſt And when they had firſt notice or heard of the ſaid Leaſe made to the ſaid *J. P.* and *J. S.* and of the Covenant and Agreement therein for a farther or new Leaſe thereof for twenty one years And that the ſaid Confederates may anſwer all and ſingular the Premiſſes and what they know or have heard and do believe in and touching the ſame and every circumſtance thereof as if the ſame were again more fully repeated and interrogated And that your Orator may be relieved therein according to right Equity and good Conſcience May it pleaſe your Lordſhip to grant unto your Orator his Majeſties proceſs of Subpœna to be directed to them the ſaid Sir *G. S.* Lord Viſcount *C.* and Dame *S.* his Wife *N. S.* and *E.* his Wife *R. B.* and *M.* his Wife and the ſaid *M. A.* thereby commanding them, *&c.*

Owen Feltham.

A Bill

A Bill brought by one who was Security for a Prisoner, against the Marshall of the King's Bench, for entring up Judgment of 500 *l. against him, and assigning the same over a Security to another, upon pretence of an Escape, whereas in truth there was no Escape committed.*

To the right honourable *Edward* Earl of *Clarendon*, Lord Chancellor of *England*.

Humbly complaining sheweth unto your honour your Orator *T. M.* Esq; that your said Orator did become bound together with one *G. E.* and one *F. G.* on or about the twelfth day of *July* in the year of our Lord one thousand six hundred fifty and nine, in one Bond of five hundred pounds or thereabouts, unto Sir *J. L.* Knt. with Condition that the said *G. E.* should be and continue a true Prisoner unto the said Sir *J. L.* during the time of his imprisonment untill he should be thence from lawfully discharged, the Condition of which Bond is as followeth in these words, (or words to this effect) The Condition of this Obligation is such, That if the above bound *G. E.* now Prisoner in the Prison of the King's-Bench in *Southwark*, doe and shall from henceforth remain, be and continue a true Prisoner in the custody, guard and safe keeping of the above-named Sir *J. L.* Knt. Marshall of the same Prison, and in the custody, guard and safe-keeping of his Deputy, Officers and Servants, or

r ſome, or one of them, untill he ſhall be awfully diſcharged, without committing any manner of Eſcape or Eſcapes, during the time of his reſtraint, Then this preſent obligation o be void and of none effect, or elſe to be nd remain in full power, force and virtue. And your Orator farther ſheweth unto your honour, that at the ſame time he your ſaid Orator, did together with the ſaid *G. E.* and *F. G.* ſign, ſeal and deliver one other Bill or Writing, wherein he was bound to the ſaid Sir *J. L.* in thirty pounds, with condition that the ſaid *G. E.* ſhould pay unto the ſaid Sir *J. L.* three ſhillings and three pence every week for his Chamber-rent during his impriſonment; And your Orator together with the *G. E.* and *F. G.* did alſo at the ſame time ſeal and deliver one other Writing in the nature of a Warrant of Attorney, to confeſs a Judgment upon the ſaid Bond of eight hundred pounds, with ſeveral clauſes therein mentioned, that if the ſaid *G. E.* ſhould make an eſcape out of the cuſtody of him the ſaid Sir *J. L.* his Deputies or Servants, and that the ſaid Sir *J. L.* was thereby damnified, that then it might be lawfull for him the ſaid Sir *J. L.* by his Attorney, to enter up Judgment againſt your Orator, and the ſaid *G. E.* and *F. G.* ſeverally. Now ſo it is, may it pleaſe your Honour, that one *A. F.* under the pretence of an Eſcape of the ſaid *G. E.* (as your Orator is informed) hath brought a Bill or Declaration againſt the ſaid Sir *J. L.* for a hundred

dred twenty seaven pounds Debt and Costs of Suit, to which Bill or Declaration is pleaded a fresh Pursuit and retaking, and no farther proceedings thereupon had, And since that time the said *A. F.* by Connivance, Subtilty, Fraud and Cunning, hath gained and persuaded the said Sir *J. L.* to make and assign over to him and to his Use the said Bond and Judgment of five hundred pounds or thereabouts, contrary to equity and good Conscieence, and to the utter ruine of your Orator without the favourable relief of this honourable Court. And your Orator farther sheweth unto your Honour, that in all such cases where the said Sir *J. L.* is sued as Marshall, for the Escape of any Prisoner, it is and hath been the Custome of the said Sir *J. L.* to permit and suffer the Prisoner or his security, to defend the same, and no security to be assigned before Verdict and Judgment obtained against him the said Sir *J. L.* as Marshal of the said Prison; And your Orator did desire and requeſt the said Sir *J. L.* that he might have liberty to defend him in that Suit brought against him by the said *A. F.* and did offer that if the said Sir *J. L.* were Cast, then your Oratour would pay and discharge all such Money as the Court should adjudge against him, all which your Orator hopeth to prove. And for that your Orator can have no relief but in this honourable Court against the said Judgment, most wrongfully and unjustly entred up. And your Orator doth aver, that all

all charge and Coſt of Suit hath been paid by *G. E.* the Priſoner, by your Orator's Order, and that the ſaid *A. F.* hath given to the ſaid Sir *J. L.* a diſcharge (all and every the truths and certainties in this Bill alleadged, his Witneſſes that could prove all and ſingular the Premiſſes being dead, or in remote places, unknown to your Orator) For relief in the Premiſſes, to the end the ſaid Sir *J. L.* and *A. F.* and either of them, may upon their ſeveral and reſpective corporal Oaths, anſwer all the matters and things in this Bill charged, And may ſet forth when the Eſcape was made, and how long ſince a Declaration was brought againſt Sir *J. L.* and whether the ſaid *G. E.* was not brought into Priſon by one of Sir *J. L.* his Servants ſince that time; And whether the ſaid *G. E.* be not now in Priſon under the Cuſtody of Sir *J. L.* at the Suit of *A. F.* And whether a freſh purſuit was not pleaded upon that Accompt by Sir *J. L.* his own order; And whether it is and hath been a cuſtome for Sir *J. L.* to allow the Priſoner or his Security, to defend any Suit brought againſt Sir *J. L.* And whether your Orator did not deſire to have that Libery, and what Sir *J. L.* is or was dampnified before he aſſigned over your Orator's Security; And whether Mr. *H. F.* Sir *J. L.* his Attorney was not paid all his Fees for defending the Suit by *G. E.* the Priſoner; And whether the ſaid *A. F.* hath not releaſed and diſcharged the ſaid Sir *J. L.* of and from all and all man-

ner of Eſcape or Eſcapes of the ſaid *G. E.* and what conſideration Sir *J. L.* or any to his uſe had or is to have for aſſigning over to the uſe of *A. F.* your Orators Bond and Judgment, or Warrant of Attorney to confeſs Judgment. And to the end the truth may more plainly appear, it is humbly prayed that all the Writings in the Bill mentioned, may be brought into this honourable Court, May it pleaſe your honour to grant unto your Orator the King's gracious Writ of *Subpœna* directed unto the ſaid Sir *J. L.* and *A. F.* and either of them, commanding them, *&c.*

A Bill to recover a Legacy.

Drawn by Sir *Henry Beddingfield* late Lord Chief Juſtice of the Common-Pleas All with his own hand.

To the right honourable *Francis* Ld *North* Baron of *Guilford* Lord Keeper of the Great Seal of *England.*

Humbly complaining ſheweth unto your Honour your Orator and Oratrix *J. G.* of *L.* Goldſmith and *M.* his Wife one of the Daughters of *R. W.* late of *W.* in the County of *S.* deceaſed That the ſaid *R. W.* being in his life time ſeiſed in his Demeaſne as of Fee of and in ſeveral Meſſuages Lands and Tenements ſcituate lying and being in *W.* aforeſaid And being likewiſe ſeiſed to him and his Heirs of and in ſeveral other Meſſuages Lands and Tenements

ſcituate

ſcituate lying and being in *W.* aforeſaid holden by Copy of Court-Roll of the Manor of *W.* late Priory or of ſome other Manor or Manors near adjacent And having ſurrendred the ſaid Copyhold premiſſes to the uſe of his Will according to the cuſtome of ſuch Manor or Manors And being ſo ſeiſed on or about the fourteenth day of *Auguſt* in the year of our Lord God 1659. did make his laſt Will and Teſtament in writing And thereby amongſt other things did deviſe all his Houſes and Grounds to the uſe of *M. J.* his Siſter during the term of her life And did farther will and bequeath all his forementioned Houſes and Grounds to be ſold by his Executor to the beſt advantage for the raiſing of Portions for his Children And of his ſaid Will did appoint the ſaid *M. J.* his ſole Executrix and ſoon after the ſaid *R. W.* departed this life being ſeiſed of the ſaid Premiſſes at the time of his death as aforeſaid . After whoſe deceaſe the ſaid *M. J.* in due form of Law proved the ſaid Will and took upon her ſelf the burthen and execution thereof And at a Court-Baron holden for the ſaid Manor upon the one and twentieth day of *Auguſt* in the year of our Lord God 1660 the ſaid *M. J.* was admitted to ſo much of the ſaid Premiſſes as were Copyhold to hold to her according to the form of the ſaid laſt Will and Teſtament and entred into and upon all the ſaid Premiſſes and became ſeiſed thereof accordingly And the ſaid *R. W.* having left at

the time of his death four Children (That is to ſay) your Oratrix *M. T. R.* and *S. W.* ſhe the ſaid *M. J.* in purſuance to the authority given her by the ſaid Will did make ſale of the reverſion of the ſaid Premiſſes expectant after her death to the ſaid *R. W.* one of the ſons aforeſaid or to one *J. P.* of *W.* aforeſaid for two hundred pounds or ſome other great ſum And out of the ſaid Purchaſe-money ſhe the ſaid *M. J.* did pay unto the ſaid *S. W.* the ſum of forty pounds as her proportion of the ſaid Purchaſe-money And did likewiſe pay unto your Oratrix the ſum of 20*li.* in part of her dividend and proportion thereof And your Orator and Oratrix farther ſhew that the ſaid *M. J.* about a year ſince departed this life having made her laſt Will and Teſtament and the ſaid *R. W.* ſole Executor thereof not having paid unto your Oratrix her full proportion of the ſaid Purchaſe-money nor paid unto the ſaid *T. W.* any part thereof And the ſaid *T.* about twenty years ſince dying inteſtate Adminiſtration of his Goods and Chattels Rights and Credits in due form of Law was committed and granted to your Oratrix By reaſon whereof your Oratrix is rightly intituled to the ſhare and proportion of the ſaid *T. W.* of the ſaid Purchaſe-money And the ſame ought to be paid to your Oratrix by the ſaid *R. W.* in whoſe hands ſo much of the ſaid Purchaſe-money was left in truſt to ſatisfie your Oratrix what remains of her proportion thereof and alſo to ſatisfie the part and pro-

portion

portion of the ſaid *T. W.* And your Orator and Oratrix have often requeſted the ſaid *R. W.* to pay the ſaid ſeveral ſums to your Oratrix which he refuſes to doe ſometimes pretending that the ſaid *R. W.* made no ſuch Will and at other times alleadges though he did make ſuch Will and grant ſuch authority to the ſaid *M. J.* to ſell the ſaid Premiſſes yet ſhe never in truth did make any ſale thereof to him or to any other perſon and confeſſes that he hath entred into and holds the poſſeſſion of the Premiſſes as heir at Law to his Father the Teſtator whereas in truth if the ſaid *M. J.* did not make ſale of the Premiſſes according to the direction of the ſaid Will ſo as the ſaid *R. W.* is ſeiſed of the ſaid Premiſſes Yet nevertheleſs the ſaid Teſtator having deviſed the ſaid Premiſſes to be ſold for the purpoſes aforeſaid the ſaid Truſt (notwithſtanding the death of the ſaid *M. J.*) continues And the ſaid *R. W.* ought to make ſale of the ſaid Premiſſes and diſtribute the Purchaſe-money among the Children of the Teſtator according to the direction of the ſaid Will or ought to pay the value of the ſaid Premiſſes to the ſaid Children and particularly ſuch part and proportion thereof as your Oratrix claims in her own right and as Adminiſtratrix of the ſaid *T. W.* her Brother Which the ſaid *R. W.* utterly refuſes to doe although he hath been often times requeſted by your Orator and Oratrix All which actings of the ſaid *R. W.* tend to the great loſs

and damage of your Orator and Oratrix and are contrary to Equity and Conſcience In conſideration whereof and foraſmuch as your Orator and Oratrix have no means to relieve themſelves in the Premiſſes but by the aid and aſſiſtance of this honourable Court which gives relief againſt breaches of truſt To the end therefore the ſaid *R. W.* may true Anſwer make to the Premiſſes and may ſet forth the laſt Will and Teſtament of the ſaid *R. W.* the Father *in hæc verba* And may ſet forth whether the ſaid *M. J.* did ſell the ſaid Premiſſes or any part or what part thereof to him the ſaid *R. W.* the Son or to any other perſon to his knowledge and to whom and when and for how much Money and what contract or agreement was made between him or any other perſon and the ſaid *M. J.* touching and concerning the the ſale thereof and when and to whom the ſaid Purchaſe-money was to be paid and if any part of the ſaid Purchaſe-money was paid to any of the Children of the ſaid *R. W.* the Teſtator and to which of them and how much and when the ſame was paid And may ſet forth by what Right or Title he or any other perſon or perſons hold the ſaid Premiſſes and how long they have enjoyed the ſame with the true yearly value thereof and what the ſame are worth to be ſold and of what Manor or Manors the ſame are holden and that the ſaid *R. W.* may diſcover if any part of the Purchaſe-money remain in his or any other perſons in truſt for your Oratrix

and

and the ſaid *T. W.* and how much for them reſpectively and may be decreed by this honourable Court to pay the ſame to your Oratrix And in caſe the ſaid Premiſſes were not ſold by the ſaid *M. J.* that then the ſaid *R. W.* may be ordered to make ſale thereof and pay to your Oratrix her ſhare and proportion and the ſhare and proportion of the ſaid *T. W.* of the ſaid Purchaſe-money or otherwiſe to pay to your Oratrix the ſaid ſhares and proportions of the value of the ſaid Premiſſes And that your Oratour and Oratrix may have ſuch relief in the Premiſſes as is agreeable to equity May it pleaſe your Honour to grant to your Orator and Oratrix his Majeſty's Writ of *Subpœna*, *&c.*

Beddingfield.

A Bill to be relieved againſt a Guardian to vacate a Judgment which is ſatisfied; and againſt a Sollicitor (who confederating with the Guardian) vexes the Plaintiffs with an unjuſt Bill of Charges.

Peruſed by Sir *Ambroſe Phillipps* Serjeant at Law.

To the right honourable *Francis* Lord *Guilford* Lord Keeper of the Great Seal of *England*.

Humbly complaining ſheweth unto your good Lordſhip your dayly Orator and Oratrix *M. W.* of *D.* in the County of *B.* Gent.

and *M.* his Wife That whereas *W. Ll.* your Oratrices late Father deceaſed of *M.* in the Pariſh of *L.* in the County of *C.* Gen. was in his life time that is to ſay on or about the year of our Lord God one thouſand ſix hundred 48 ſeized in his Demeaſne as of Fee or of ſome other good Eſtate of Inheritance of and in the Capital Meſuage called *M.* aforeſaid and alſo of ſeveral other Meſuages Lands and Tenements in the ſeveral Pariſhes of *Ll. B.* and *Ll.* in the ſaid County of *C.* and alſo of and in the Capital Meſſuage Lands and Tenements called *Ll. A.* and other Lands and Tenements ſcituate in the Pariſh of *Ll.* in the County of *G.* of the yearly value of 150 *li.* beyond Reprizes And being ſo ſeiſed about the time aforeſaid was intermarried with *M.* one of the Daughters of *T. M.* of *Ll. B.* in the Pariſh of *Ll.* and County of *C.* Eſq; ſince deceaſed by whom the ſaid *W.* had Iſſue two Daughters to wit your ſaid Oratrix and *K.* now Wife to *P. P.* of the Pariſh of *A.* in the ſaid County of *C.* And the ſaid *W. Ll.* ſhortly after died ſo ſeiſed of the aforeſaid Premiſſes and thereupon the Premiſſes deſcended and came to your ſaid Oratrix and the ſaid *K.* as Daughters and Coheirs of the ſaid *W. Ll.* who being then Infants of very tender years the ſaid *M.* in their right entred into and poſſeſſed her ſelf of the Premiſſes and for ſeveral years received the Rents Iſſues and Profits thereof and whilſt ſhe was in ſuch poſſeſſion was married to *R. W.* now of *A.* in the County of *B.* Gent. who in right

right of your ſaid Oratrix and the ſaid *K.* and as their Guardian into the ſaid Premiſſes entred and for ſeveral years received all and ſingular the Rents Iſſues and Profits thereof and converted the ſame to his own uſe refuſing to give to your ſaid Oratrix or to the ſaid *K.* any accompt thereof or to make them any reaſonable allowance thereout for their ſupport and maintenance Whereupon for their redreſs therein they made their application to *W. M.* of *Ll. B.* aforeſaid Gent. who being their Unkle to wit their Mother's Brother did (as he pretended) commiſerate the diſtreſſed condition of your Oratrix and the ſaid *K.* and being by their ſaid late Father's Will appointed to be their Guardian did exhibit a Bill in this honourable Court as Guardian for and in the right and names of your Oratrix and the ſaid *K.* againſt the ſaid *R. W.* and *M.* his Wife to compel them to give an accompt of the profits of the Premiſſes and to make proviſion for the ſupport maintenance and education of your ſaid Oratrix and her Siſter And for the better and more effectual proſecution of the Suit the ſaid *W. M.* did imploy *R. B.* of —— in the County of *M.* Gent. who then and ever ſince hath acted as a Solicitor in this Court to manage and ſolicit the ſaid cauſe And within ſome ſhort time afterwards the ſaid *W. M.* pretending that much Money had then been expended and much more would be diſburſed in order to the carrying on of the ſaid Suit For his ſecurity there-

in

in he did prevail with your Oratrix and the ſaid *K.* ſome time before they attained their full age to give him one Bond or Obligation of the penalty of two hundred and forty pounds conditioned for the payment of one hundred and 20 pounds at ſome certain day then to come and now long ſince paſt and alſo to ſeal and execute a Warrant of Attorney to confeſs Judgment in his Majeſty's Court of Exchequer at *Weſtminſter* in an Action of Debt of two hundred pounds he then faithfully promiſing (and ſo the Defeazance or Condition of the ſaid Judgment and Bond is or ought to have been expreſt) that both the ſaid Securities were given for no other end than that thereby he might be in a capacity to recover what Money he ſhould expend in the proſecution of the ſaid Suit and that the ſame ſhould be void and of none effect as againſt your Oratrix in caſe ſhe or any for her ſhould pay or cauſe to be paid one Moiety of the neceſſary charges incident to the ſaid Suit As in and by the ſaid Defeazance and Condition (relation being thereunto had) may more fully appear and to which for greater certainty your Orator and your Oratrix do refer themſelf And after the ſaid *W. M.* had obtained ſuch Securities as aforeſaid your ſaid Oratrix and her Siſter did at one time pay or cauſe to be paid the ſum of fifty pounds and at ſeveral other times did pay or cauſe to be paid ſeveral other ſums which did amount to fifty pounds more at the leaſt Which ſums were paid to the ſaid *W.*

before

before the marriage of your ſaid Orator and Oratrix And he received the ſame in or towards the diſcharge of what moneys the ſaid *W. M.* and *R. B.* or either of them could juſtly demand of and from your ſaid Orator and Oratrix and the ſaid *K.* or either of them Or however your ſaid Orator and Oratrix by the aforeſaid payments have paid and ſatisfied their full ſhare and proportion of the charges of the ſaid proſecution and they ought to be acquitted and diſcharged thereof and be protected and ſaved harmleſs againſt the ſaid Bond and Judgment And accordingly the ſaid *W. M.* did at the time of your Orator's laſt payment declare and promiſed to releaſe your ſaid Orator and Oratrix and to deliver to them all the Deeds Evidences Writings and Copies of all the proceedings relating to the Premiſſes But now ſo it is may it pleaſe your good Lordſhip that the ſaid *R. B.* pretending that the ſaid *W. M.* hath not paid him his full and juſt demands hath for recovery of the remainder of his pretended Debt petitioned the honourable the Maſter of the Rolls to have it referred to one of the Maſters of this honourable Court to take the accompt between him and the ſaid *M.* and having obtained an Order thereon hath in purſuance thereto brought before Sir *M. C.* Knight one of the Maſters of this Court a Bill of his particular Demands both for Fees and Diſburſements which amounts to —— And the better to carry on a deſign to wrong your Orator and Oratrix

the

the ſaid *B.* and *M.* by colluſion between themſelves do manage the matters referred to the ſaid Maſter with a deſign and in order to load your Orator with a great ſum of money when in truth there is nothing really due to the ſaid *B.* And the ſaid *M.* doth threaten to take out Execution upon the ſaid Judgment againſt your Orator for recovery of the ſaid *B.*'s demands pretending (though untruly) that the ſame are over and beſides ſuch Fees and Diſburſements which your ſaid Orator and Oratrix or the ſaid *M.* or ſome other in behalf of your Oratrix and her Siſter had diſcharged in manner as aforeſaid Whereas they well know that all demands whatſoever that they or either of them can make from your ſaid Orator and Oratrix are fully ſatisfied and paid to the ſaid *W. M.* who therewith promiſed and ſtands obliged to pay off and ſatisfie the ſaid *B.*'s Demands But he refuſeth ſo to doe deſigning by virtue of the aforeſaid Bond and Judgment to make your Orator lyable to pay what the ſaid *B.* ſhall recover and permits the ſaid *B.* to proceed for the recovery of his demands without any manner of oppoſition purpoſing to make your Orator and Oratrix in reſpect of the aforeſaid Judgment reſponſible for the ſame For that the ſaid *M.* and *B.* do well know (and ſo the truth is) that in the ſaid Charge or Bill of particulars brought before the ſaid Maſter the ſaid *B.* hath made ſeveral demands for Fees and Diſburſements when there was no buſineſs in agitation

tation nor any money disburſed and in other places hath very much overcharged the ſaid *M* for Fees pretended to be paid to Council for that the ſaid Cauſe being many years depending in this honourable Court and the ſaid *W.* having appeared very vexatious and put your Oratrix and her Siſter to great delay and charge which tended almoſt to their utter ruine they were by the ſaid *B.* admitted to ſue *in forma pauperis* or however the Councill which the ſaid *B.* pretended and by his Bill hath charged to receive ſeveral conſiderable Fees did ſo far commiſerate the diſtreſſed and miſerable condition of your Oratrix and the ſaid *K.* (who for great part of the time whilſt the ſaid Cauſe was in proſecution had not wherewith to ſubſiſt or carry on the ſaid Suit but the charity and benevolence of their Friends from whom they received the moneys paid to the ſaid *W. M.*) that the ſaid Councill neither did nor would receive ſuch large Fees as the ſaid *B.* hath charged the ſaid *M.* with And for ſuch the ſaid kindneſs and charity of the ſaid Council your Orator hath ſince his ſaid Marriage made his gratefull acknowledgments to them And the ſaid *B.* hath alſo charged divers ſums and Fees incident to the bringing on Exceptions put in by the ſaid *W.* to a Report made in the ſaid Cauſe by Sir *T. E.* Knight late one of the Maſters of this Court when by agreement between him and the ſaid *W.* the arraining of the ſaid Exceptions was put off from time

to

to time and were never argued till Easter Term last which was done at your Orator's charge so that there was not or ought not to have been any thing paid in respect thereof Yet nevertheless he hath brought to account and charged in respect thereof no less than forty pounds or some such sum And in many other particulars the said *B.* hath made very extravagant and unreasonable demands which the said *M.* is very sensible of but doth connive thereat he and the said *B.* purposing to share and divide between themselves all such moneys as they shall by their aforesaid proceedings get allowed in this honourable Court for the said *B.*'s Fees and Disbursments And the said *W. M.* doth refuse to demand of the said *P. P.* and *K.* his Wife any sum of money for or towards the discharge of his pretended demands although he well knows that your Orator hath paid more than his share and proportion of the said charges and in truth more than in justice or reason they do in all amount to and is ready to pay the remainder (if any there be) which shall appear upon a fair and just accompt provided he may have an assignment of the said Bond and Judgment to the end he may have the liberty of putting the same in Suit against the said *P.* and his Wife to reimburse himself the share and proportion of those charges which they ought to pay But the said Confederates refuse to come to any accompt with your Orator although he is ready and desirous so to doe but they would

put

put the whole burthen and charge upon your Orator contrary to all Equity and good Conſcience In tender conſideration whereof and forasmuch as your Orator and Oratrix are wholly remedileſs in the Premiſſes the ſame being matters of Diſcovery known onely to the ſaid Confederates or the Witneſſes that ſhould prove the truth thereof are dead gone beyond Seas or into places remote and to your Orators unknown or ſo aged and infirm that no benefit can be had of their teſtimony at any Tryal at Law To the end therefore that the ſaid Confederates may as fully anſwer all and ſingular the Premiſſes as if the ſame were here again repeated and particularly interrogated and more particularly that the ſaid *R. B.* may ſet forth what ſum and ſums of money he hath received at any time and when and from whom for in or towards the diſcharge of the moneys to him due for his Fees and Diſburſments And may give a true and juſt accompt of all his demands and whether he hath not received more than or as much as is juſtly due to him And whether he hath not in any and what particular or particulars mentioned in the Bill or Charge produced before the ſaid Maſter over-reckoned or charged any and what ſum or ſums of money more than his juſt due and whether he hath actually paid all and every the Fees ſum and ſums of money which he hath mentioned or charged in and by the ſaid Bill to be paid by or due to him or how otherwiſe the ſame became due

And

And that the ſaid *W. M.* may upon his corporal Oath diſcover what ſum or ſums of money he or any for him and who by name have or hath at any time and when and of whom received which was paid or ſatisfied or ought to be applied for or towards the ſatisfaction or diſcharge of the ſaid *B.*'s demands and how the ſame or any and what part thereof hath been applied and when and for or upon what accompt or conſideration the ſaid Bond and Judgment or either and which of them were or was had or obtained And to the end that he and the ſaid *P. P.* and *K.* his Wife may ſhew cauſe if any they can why the ſaid Bond and Judgment ſhould not be aſſigned to your ſaid Orator if he already hath paid or hereafter ſhall pay off and diſcharge the ſaid *M.*'s demands And in the mean time that all proceedings both at Law and in this Court for recovery of the moneys ſecured by the ſaid Bond and Judgment or either of them or for the ſaid *B.*'s Fees and Diſburſements may be ſtayed and your Orator and Oratrix be relieved according to Equity and good Conſcience May it pleaſe your good Lordſhip the Premiſſes conſidered to grant to your Orator and Oratrix his Majeſty's moſt gracious Writ of *Subpœna* directed to the ſaid *W. M. R. B. P. P.* and *K.* his Wife commanding them, *&c.*

Ambr. Phillipps.

A Bill

A Bill of Review.

The State of the Queſtion upon a former Bill brought for Dower, which was decreed to the Plaintiff; with the Reaſons and Arguments in Law for the Defendant's having a Bill of Review, and for the reverſing the ſaid Decree.

Drawn by Sir *John Churchill*, late Maſter of the Rolls.

To the Right Houourable, the Lords Commiſſioners for the great Seal of *England.*

Humbly complaining ſhew unto your Honours your Orators *J. R.* and *M.* his Wife That whereas in the Term of *Eaſter* in the year of our Lord one thouſand ſix hundred and fifty *L. F.* and *I.* his Wife the Relict of *H. R.* the younger deceaſed Exhibited their Bill of Complaint into this Honourable Court againſt *H. R.* the elder *A.* his Wife and your Orators and *T. C.* Eſq; thereby declaring That the ſaid *H. R.* Father of the ſaid *H. R.* the Complainant *I.*'s late Husband about 12 or 14 years then laſt paſt before the exhibiting the ſaid Bill prevailed with her ſaid late Husband to become bound with him in ſeveral Recognizances Statutes Bonds and Specialties to ſeveral Perſons for great ſumms of Money part of which the ſaid then Complainants late Husband was compelled to pay

With his own Monies and for the discharge of the residue of the Engagements or the greater part of them the said *H. R.* the Father importuned *H.* the Son to join in Sale of certain Lands in the Parish of *T.* in the County of *T.* of the value of 300 *l. per Annum* and certain Lands in *F.* in the same County of the yearly value of 140 *l.* the remainder thereof expectant upon *H.* the Father's death was by the settlement of the said then Complainants late Husbands Grandfather to discend to *H.* the younger in Fee or Fee Tail which the said then Complainants late Husband being unwilling to doe *H.* the Father to induce him thereto promised and protested to the said then Complainants late Husband that he would settle on him and his Heirs in present possession all that his Manor at *B.* with its Rights Members and Appurtenances And the Rectory or Impropriation of *S.* alias *S.* with the appurtenances And all those Lands in *H.* alias *H. B.* alias *B. S.* and *R.* in the said County And all that Capital Messuage or Tenement with the appurtenances and all Lands arable meadow or Pasture therewith used scituate within the said Manor of *B.* and all other his Lands Tenements and Hereditaments with the appurtenances lying within the Township Fields or Territories of *B.* aforesaid in the same County containing one thousand eight hundred Acres being of the yearly value of 400 *l.* or thereabout of which said Manor and Premisses

miſſes the ſaid *H.* the Father was ſeiſed in Fee whereupon the ſaid *H.* the Son joined in ſale of the ſaid Lands ſo ſettled on him And the ſaid *H.* the Father about nine or ten years then laſt paſt before the Bill exhibited accordingly ſealed and delivered a Deed indented purporting a Conveyance of the ſaid Manor of *B.* and all other the Premiſſes to *H.* the Son and his Heirs but before the ſame received due execution either by Livery or Seiſin Attornment of Tenants or Inrollment the ſaid *H.* the Father fell into trouble upon a ſuſpicion of his Counterfeiting a Warrant from his late Majeſty for making of a Baronet and being therefore under reſtraint your Orator then Defendant *J. R.* Son of the ſaid *H.* the elder and *M.* his Wife combining with the ſaid Defendant *C.* to defeat the then Complainants late Husband of the ſaid Manor and Premiſſes perſuaded the ſaid *H.* the Father he was in ſome danger by reaſon of the Accuſation againſt him to loſe all his Eſtate if not his Life And therefore adviſed him to ſettle the ſaid Manor of *B.* and all the greateſt part of other the Premiſſes on your Orator the ſaid *J.* and his Heirs aſſuring him that your Orator the ſaid *J.* ſhould take no advantage thereby but would by ſome Deed declare that he was ſeiſed thereof in truſt for the then Complainants late Husband and his Heirs on whom they well knew the ſame was intended by the ſaid *H.* the Father to be ſettled as aforeſaid unto which perſuaſions the ſaid *H.*

the Father for the better ſecuring the ſaid Lands for his Son yielded and accordingly by Deed did upon no other conſideration than aforeſaid convey the Premiſſes to your Oratour the ſaid then Defendant *J.* and his Heirs who faithfully promiſed (as was pretended) ſhortly after to declare the truſt thereof to be to the ſaid *H.* the Son and his Heirs as aforeſaid And that the ſaid Defendant C. being a Councellour at Law had direction given him to draw ſuch Declaration and promiſed he would prepare it in ſome ſhort time after And that the ſaid *H.* the elder being afterwards freed from his troubles and reſtored to his liberty minding the performance of his Promiſe for ſettling the Mannor Rectory and Premiſſes on the ſaid then Complainants late Husband that the Conveyance ſo made to your Oratour the ſaid *J. R.* was of no effect and delivered up to him and cancelled or that by ſome Conveyance from your ſaid Orator to him the Fee ſimple was in *H.* the Father did by a common Recovery in the Common Pleas and by ſome Deed or Deeds declaring the uſes thereof convey to the ſaid then Complainants late Husband and his Heirs the ſaid Mannor of *B.* and all other the premiſſes by him agreed to be ſettled on the ſaid *H.* the younger and his Heirs on the ſale of the ſaid Lands for diſcharge of the Debts as aforeſaid By virtue whereof the ſaid then Complainants late Husband became ſeized in Fee of the ſaid Manor and Premiſſes

miſſes and received the Rents and Profits thereof and about *May* 1647 dyed ſo ſeized and the ſaid then Complainant *Iſabella* became entituled to her Dower in all the ſaid Manors and Premiſſes and afterwards married the other Complainant *L. F.* who in her right ought to have enjoyed the ſame And the ſaid Complainants in and by the ſaid Bill alſo ſhewed that the ſaid then Defendants having gotten all the Deeds and Writings concerning the ſaid Manor and Premiſſes into their or one of their hands or into the Hands and Poſſeſſion of ſome other to their uſes or by their privity or direction without producing of which they well knew the then Complainants Title of Dower could not be manifeſted did by combination pretend that the Conveyance made to your Orator the ſaid then Defendant *J.* as aforeſaid was an abſolute Conveyance to your ſaid Orator and his Heirs not ſubject to the truſt aforeſaid though they well knew (as was pretended) the ſame was made for the reaſons aforeſaid as was by your ſaid Orator *J.* to be declared to be in truſt for the ſaid then Complainants late Huſband and his Heirs and that the ſaid Deed had been ſince delivered up to the ſaid *H.* the Father and his Heirs And that the ſaid then Defendant had made ſecret Eſtates and Incumbred the Premiſſes by entring into Statutes or Recognizances and acknowledging of Judgments and had cauſed the Premiſſes to be extended upon ſome of them albeit if

any ſuch Judgment Statute or Recognizance were entred into the ſame was ſubſequent to the Eſtate made to the ſaid Complainants late Husband or elſe the ſame was wholly or moſt part ſatisfied and that by ſuch means the then Complainant *I.* was likely to be deprived of her Dower Therefore that the ſaid then Defendants might ſet forth upon what conſideration the Conveyance to your Orator the then Defendant *J.* was made and whether not intended in truſt for the ſaid then Complainants late Husband and whether a Deed was not directed to be drawn by the ſaid then Defendant Mr. *C.* for that purpoſe And whether the ſaid Deed made to your Orator the then Defendant *J.* were not ſince in the ſaid *H.* the elders hands who cancelled the ſame And what Conveyance or Settlement before or after the ſaid Conveyance to your Orator *J.* *H.* the Father made to *H.* the Son And what Deeds or Writings any of them had in their hands and what ſecret Eſtates they had made and what Incumbrances were in the Premiſſes and when the Judgments were acknowledged or the Statutes or Recognizances entred into and how much was unſatisfied of the Moneys due thereupon and to be relieved in the Premiſſes the then Complainants craved the aid of this Court And that proceſs of *Subpœna* might be awarded againſt the ſaid then Defendant to appear and anſwer the Premiſſes which being granted and the ſaid then Defendants therewith ſerved they the ſaid then

Defen-

Defendants *H. R.* and his Wife and your Orator *J. R.* and his Wife put in their Joint and ſeveral Demurrer and Anſwers To which Anſwers the ſaid then Complainants replied and Iſſue being joined divers Witneſſes were examined in the ſaid Cauſe and their Depoſitions publiſhed As by the ſaid Bill Anſwers Replication and Depoſitions of Witneſſes all of them remaining upon Record in this honourable Court more at large appeareth And that the ſaid Cauſe coming to be heard upon the 19th of *May* 1650 upon the hearing and debating of the matter in queſtion between the ſaid parties in the preſence of Council Learned on both ſides the ſubſtance of the then Complainants Bill appeared to be That *H. R.* Father of *H. R.* late Husband of the then Complainant *J.* procured the ſaid *H.* the Son to join in Sale of certain Lands in the Pariſh of *T.* and certain Lands in *F.* in the County of *T.* which by a Settlement made by the Grandfather of the ſaid *H.* the Son were to deſcend to the ſaid *H.* in Fee Tail and thereupon the ſaid *H.* the Father promiſed to ſettle on *H.* the Son and his Heirs the Manor of *B.* with the appurtenances and ſeveral other Lands in *T.* to the yearly value of 400 *l.* and accordingly a Deed was prepared ſealed and delivered whereby the ſaid *H.* the Father did convey the ſaid Manour with the appurtenances to the ſaid *H.* and his Heirs but before the ſame was executed the ſaid *H.* fell into troubles upon ſuſpi-

tion for counterfeiting of a Warrant from his late Majesty for making a Baronet and being under restraint the said then Defendant procured *H.* the Father to settle the said Manor of *B.* with the Appurtenances upon your Orator the said *J.* and his Heirs assuring him that your Orator the said *J.* should by some Deed declare that he was seized thereof in trust for the said *H.* the Son and his Heirs and that afterwards the said *H.* the Father being freed did by Fine and Recovery and a Deed declaring the uses thereof settle the said Manor with Appurtenances upon the said *H.* the Son and his Heirs by virtue whereof the said *H.* the Son and his Heirs became seized and in *May* 1647. he dyed By and after whose Death the said then Complainant *I.* late Wife of the said *H.* was intituled to her Dower in all the Premisses But the said then Defendants having got all the Deeds concerning the Premisses did deny that the Conveyance made to your said Orator *J.* was in trust but that the same was an absolute Conveyance So as to discover the said trust and set aside the said Deed to your Orator *J.* which was made without any consideration and that the Complainant might have her Dower out of the Premisses was the Scope of the complainants Bill But it was insisted on by the then Defendants that your Orator *J.* R. by Answer denied that the said Lands were settled on him in trust and if the same were yet the then Complainant could not have any Dower there-

therein her Husband *H. R.* having onely an Equitable right This Court notwithſtanding being ſatisfied of the truſt thereupon did think fit and ſo order That the then Complainant ſhould attend their Lordſhips with Preſidents where Relief had been given in Caſes of like nature who would be pleaſed to adviſe thereof and give ſuch Order as ſhould be meet After which upon opening of the matter the tenth day of *July* 1652. unto your Lordſhips by Mr. *W.* and Mr. *C.* being of the then Complainants Counſel in preſence of Mr. *C.* being of your Orator the then Defendants Counſel and upon producing of the aforeſaid Order of the ninth of *May* whereby the Caſe was ſtated and the then Complainant to ſeek out Preſidents where relief had been given in caſes of like nature Foraſmuch as it was then alleadged that the Cauſe was not rightly ſtated in the ſaid Order, ſo as no Preſidents would be found in like caſe as the ſame was ſtated your Lordſhips did order That Mr. *C.* and Mr. *C.* of Counſel with the parties ſhould agree of a Caſe and that the ſame ſhould be preſented to your Lordſhips ſome time the beginning of the then next Term and then ſuch Order ſhould be made therein as ſhould be fit And afterwards upon opening of the matter unto this Court the 11th day of *December* 1653. by Mr. *C.* being of the then Complainants Counſel in the preſence of Mr. *C.* being of your Orators the then Defendants Counſel and upon

upon producing of the aforeſaid Order of the tenth of *July* and the Caſe made and agreed upon by Council on both ſides In purſuance whereof their Lordſhips did order that the matter ſhould be ſet down to be heard the firſt ſitting of Cauſes after the then next Term of which the other ſide was to have notice and their Lordſhips were to be attended with the Caſe in the mean time And the Cauſe ſtanding in the Paper to be heard the ſixth day of *May* laſt paſt upon the Caſe ſtated by Mr. *C.* and Mr. *C.* in purſuance of the ſaid Order of the 11th of *December* in the preſence of the then Complainants Counſel none attending for the then Defendant The ſubſtance of the ſaid Cauſe ſo ſtated appeared to be That the then Defendant *H. R.* had iſſue *H.* his eldeſt Son the then Complainant *I.* her former Husband and your Orator's then Defendant *J.* and that *H.* the Father became indebted to ſeveral perſons and to diſcharge thoſe Debts he procured *H.* his Son to join with him in the ſale of certain Lands in the County of *Y.* which were after *H.* the Fathers Death to deſcend to *H.* the Son from his Grandfather as Heir in tail to him in conſideration whereof he promiſed to ſettle on *H.* the Son and his Heirs the Mannor of *B.* in the County of *Y.* and accordingly *H.* the Father ſealed and delivered a Deed to *H.* his Son but before the ſame was executed ſome troubles fell out upon *H.* the Father about counterfeiting a Warrant from the late King

for

for a Baronetſhip thereupon he was perſuaded by the then Defendants your Orators *J.* and *C.* to convey *B.* to your Orator *J.* and his Heirs to ſecure it from any forfeiture or trouble that it might be ſubject unto in regard of *H.* the Fathers being queſtioned as aforeſaid And that in the year 1642 *H.* the Father conveyed to your Orator *J.* and his Heirs, and the then Defendant *C.* was directed to draw a Declaration of truſt which he did and the ſame was ſealed but that the then Defendants had it And *H.* the Father being afterwards freed from his troubles by Deed dated the twenty fifth day of *June* one thouſand ſix hundred forty ſix reciting that he was ſeized in Fee of *B.* And that a Writ of Entry was brought by one *H.* and *S.* to the end a Common Recovery might be ſuffered and declared the uſe of the Recovery to be to *H.* the Son and his Heirs and in *Mich.* Term the two and twentieth of the late King *C.* a Recovery was accordingly ſuffered And that *H.* the Son in *May* 1647. dyed And the then Complainant *I.* his Relict claimed her Dower ſo that upon the whole matter the Cauſe upon the Bill and Anſwer and Proofs would fall out to be That *H.* the Father (being *Ceſtui que Truſt* in Fee) conveyed to *H.* the Son and his Heirs and *H.* the Son dyed Now whether the Wife of *H.* the Son (the intereſt in Law being ſtill in the Truſtee) ſhould be holpen to Dower in Equity was the ſingle queſtion And this Court being ſatisfied of the

the ſaid Truſt and that the ſaid Deed was a Dormant Deed and made without any valuable conſideration was of opinion that the then Complainant ſhould have her Dower out of the ſaid Mannor of *B.* Tithes of *S.* and other the Lands by the Common Recovery or Conveyance conveyed or intended to be conveyed to the then Complainants late Husband and his Heirs for the time to come and alſo the Arrears thereof from the Death of the ſaid Husband And did order and decree the ſame accordingly and for that purpoſe the ſaid Deed was to be ſet aſide and that the then Defendants and all claiming under them or any of them ſhould not give the ſaid Deed in Evidence or take any advantage thereof at any Trial at Law againſt the then complainants or any claiming under her, unleſs your Orator the ſaid then Defendant ſhould on that day ſeven-night ſhew good cauſe to the contrary And your Orators then Defendants Counſel coming the 30th day of *May* to ſhew cauſe according to the aforeſaid Order and Counſel on both ſides alſo attending and upon debate of the matter It was ordered and decreed that the Deed ſo made to your Orator the ſaid *J. R.* as aforeſaid againſt the then Complainant ſhould be ſet aſide and the then Defendants or any of them or any claiming under them ſhould not give the ſaid Deed in evidence or take any advantage thereof at any Tryal at Law againſt the then Complainant or any claiming

ing under her And as touching the Arrears of Dower the then Complainant might reſort back to this Court after ſuch Triall had as ſhe ſhould ſee cauſe And then this Court would give ſuch farther Order therein as ſhould be fit And the then Decree was afterwards drawn up ſigned and enrolled And by an Order dated the 28th day of *November* 1654. a Commiſſion is awarded to ſet out the Complainants Dower and to aſcertain the mean profits As in and by the ſaid Decree and Orders remaining upon Record in this honourable Court more at large it doth and may appear And your Orators ſhew unto your Lordſhips that the ſaid Decree is erroneous and ought to be reviewed and reverſed For that there is Errour in Law apparent in the body of the ſaid Decree For it doth appear that the queſtion in the ſaid Suit upon which the Decree was grounded was whether the Wife of *H.* the Son (who was onely *Ceſtui que Truſt*) ſhould be holpen and relieved in Equity for Dower of that Eſtate whereof her Husband was not ſeized it appearing by the Decree that *H.* the Husband of the ſaid *I.* was never ſeized of the Lands concerning which the ſaid *I.* is relieved by the Decree and a Commiſſion Awarded to ſet out a third part of the ſaid Lands for her Dower and to aſcertain the mean profits And by the Common Law of this Nation by which a Dower is onely given and created no Woman hath any right of Dower or can

be

be Tenant in Dower or have the ſame ſet out unto her but of ſuch Lands or Tenements whereof her Husband was ſeized in Fee ſimple or in Fee Tail And it appears by the Decree that *H.* the Husband of the ſaid *I.* was never ſeized of the ſaid Lands and Tenements concerning which the Decree is made to give her relief for her Dower and to ſet the ſame out of the ſaid Lands and the ſetting aſide the Deed whereby other perſons were ſeized in Fee is the ſame thing as to give the Dower The ſaid *I.* having no other Title as by the ſaid Decree appears by any purchaſe or Agreement or Conveyance but onely as Tenant in Dower to have the Thirds of her Husbands Eſtate And it is of dangerous conſequence and contrary to the rules of Law and Common Right that a Decree in Equity ſhall cauſe an Admittance to be made of a ſeiſin in the Husband whereby to give Dower and create it in any other manner than as the ſame is to be claimed by the Common Law And it is alſo Errour in Law apparent in the body of the ſaid Decree in the ſetting aſide the ſaid Conveyance or any ways impeaching the ſame for that it appears in the ſaid Decree that the ſaid *I.* is no perſon that hath any Privity Title or claim whereby to queſtion the ſaid Conveyance or to ſet the ſame aſide in any manner whatſoever And therefore the ſaid Decree is erroneous in Law and ought not to ſtand in force againſt your Orators but ought to be reviewed and reverſed

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in tender consideration whereof And to the end the said Decree may be reviewed and reversed and all proceedings thereupon discharged And that the said *I. F.* may true Answer make to all and singular the Premisses And your Orators be therein relieved according to Equity May it please your Lordships to grant unto your Orators the Process of *Subpœna* of this honourable Court to be directed to the said *I. F.* thereby commanding her at a certain day and under a certain pain therein to be limited to be and personally to appear before your Honours in the high Court of Chancery then and there to answer all and singular the Premisses And farther to doe observe and keep such farther Order and Direction herein as to your Lordships shall seem meet And your Oratours shall ever pray, *&c.*

Jo. Churchill.

A Bill

A Bill of Review without Recitals.

To the right honourable *George* Lord *Jeffreys* Baron of *Wem* Lord high Chancellor of *England.*

Complaining ſheweth unto your Lordſhip your Orator *A. B.* of *C.* in the County of *D.* That in Eaſter Term in the year of our Lord God one thouſand ſix hundred eighty and two *W. S.* exhibited his Bill into this honourable Court againſt your Orator And did thereby ſet forth That (here inſert the original Bill *verbatim*) And your Orator farther ſheweth That being ſerved with a *Subpœna* to appear and anſwer the ſaid Bill your Orator accordingly appeared and put in an Anſwer to the ſaid Bill to the effect following (here recite the ſubſtance of the Anſwer) And your Orator farther ſheweth that the then Complainant having replied to the Anſwer of your Orator And Iſſue being joyned thereupon Witneſſes were examined and Publication duly paſſed by order the firſt day of Hilary Term in the ſix and thirtieth year of the Reign of his late Majeſty King *Charles* the ſecond being by order of the two and twentieth day of *January* in the ſaid ſix and thirtieth year of his Reign enlarged to the firſt day of Eaſter Term then next following unleſs the then Complainant ſhould on the Thurſday then next following ſhew good cauſe to the contrary And no cauſe being ſhewn to the contrary Publication

cation then duly paſſed And the ſaid cauſe was then ordered to be ſet down to be heard And in purſuance thereof the ſaid Cauſe ſtood to be heard before your Lordſhip the firſt day of *March* laſt And upon hearing and debating of the matters in queſtion in the preſence of Councill learned in the Law on both ſides a Decree or Decretal Order was then pronounced and was afterwards paſſed and entred in which Decretal Order it was ſet forth and recited that it was at the hearing on your Orator's behalf inſiſted on that your Orator had by his Anſwer ſet forth that (here inſert the Decretal Order) And ſince the ſaid Decree hath been ſigned and inrolled which ſaid Decree your Orator humbly ſhews is erroneous and ought to be reviewed and reverſed and ſet aſide for many apparent Errours and Imperfections as well in relation to the matters on which the ſame is preſumed to be grounded as the form thereof And firſt your Orator humbly ſhews That it appears by your Orator's own Anſwer ſet forth in the body of the ſaid Decree &c. (here inſert the Errours) And no proof being made thereof no Decree ought to have been made or grounded thereupon for that the ſaid Bill ought to have been diſmiſſed for the reaſons aforeſaid For which Errors and Imperfections in the ſaid body of the ſaid Decree appearing And for that there is no proof to ground any Decree to ſet aſide the ſaid Rent charge your Orator hopes that the ſaid Decree ſhall be reverſed and ſet aſide and no

farther proceedings had thereon To the end therefore that the same may be so and that the said Defendant may true and perfect answer make to all and singular the Premisses and that the said Decree may be reviewed and reversed May it please your Lordship to grant a *Subpœna*, *&c.*

A Bill to compell a Mortgagee to discover his Title.

To the right honnurable, *&c.*

Humbly complaining sheweth unto your Lordship your Orator *T. R.* that *P. R.* deceased your Orator's late Father was in his life time lawfully seised in his Demeasne as of Fee of and in divers Woods, Wood grounds, Lands *&c.* And the said *P. R.* being thereof so seised after whose decease the said Woods *&c.* did descend and come (as of right they ought) unto your said Orator as Son and Heir of the said *P. R.* (your Orator being then and until now of late an Infant under the age of 12 years) But now so it is may it please your good Lordship That *T. B.* and *J. G.* Executors of the last Will and Testament of *J. F.* Esq. do claim and pretend to have some Title Term or Estate in the said Woods *&c.* or some of them by or under some Lease or Grant made as they pretend by the said *P. R.* in his life time unto the said *J. F.* Whereas if any such Lease Grant or Estate were made by the said *P. R.* the same was but a Mortgage for

for security of money And all the money which was intended to be thereby secured is since satisfied by receit of the profits of the Premisses by the said *J. F.* who entred upon the Premisses and got the possession thereof during your Orator's minority and after his said Father's decease some or one of them being also in possession of the Premisses by pretence of some Estate Conveyance or Assignment of the said *E. F.* or in his right or in trust for him or else the said Term and Estate is now expired or in case the said Term and Estate be yet in being and that any part with their money thereby intended to be secured be yet remaining unsatisfied your Orator is willing to satisfie and pay the same Yet nevertheless the said *T. B. &c.* do detain and keep the same from your Orator and by combination and confederacy among themselves do refuse to discover which of them hath the interest in Law in the said Lease or Estate so made by the said *P. R.* and by what means the same is come unto them and they or some of them and also the said *J. F.* deceased who during the minority of your Orator entred upon the Premisses and got the possession thereof as aforesaid hath made and raised great sums of money by and out of the rents and profits of the Premisses and do refuse to give an accompt to your Orator for the same And your Orator having no counterpart of the said Lease or Grant made by the said *P. R.* is ignorant of the contents thereof nor can

tell what Rent was thereupon reserved nor hath any means to recover such Rent or can tell when the said pretended Estate was to begin or end nor whether it be expired yea or no nor what money was thereby secured to be paid nor to whom or when neither doth he know to whom the interest in Law in the said Lease or Estate since came And the said *T. B. &c.* do give out that they will hold the possession of the Premisses as a forfeited Mortgage and will take the full and strict advantage thereof in Law So that your Orator is remedilesse in the Premisses save onely by the aid of this honourable Court In tender consideration therefore of the Premisses and to the end the said *T. B. &c.* may by their Answers discover and set forth what Estate or Title they or any of them do claim in or to the said Woods *&c.* and when the same was made and by whom and for what term and under what Rent and under what provisoes or conditions and what moneys if any were intended thereby to be secured and to whom and what they or any of them or the said *J. F.* deceased have received and had by the Rents and Profits of the Premisses or otherwise towards satisfaction of their Debts secured by the premisses if any such Debts or Security were and may accompt to your Orator concerning the same and that they may produce their original Lease into this honourable Court that your Orator may have a Copy thereof And that in case the same shall appear

to

to be ſatisfied (or otherwiſe if any money be due upon the ſame) That upon your Orator's payment of what ſhall appear to remain unſatisfied they may ſurrender their ſaid Leaſe Mortgage or Eſtate or otherwiſe aſſign and diſpoſe thereof as to your Lordſhip ſhall ſeem meet and convenient And that they may not be allowed to take advantage of the forfeiture of the Mortgage (if any ſuch there be) And that your Orator may be relieved in all and ſingular the Premiſſes according to Equity and good Conſcience May it pleaſe your Lordſhip *&c.*

A Bill to diſcover Incumbrances.

To the right honourable *&c.*

Humbly complaining ſheweth unto your good Lordſhip your daily Orator *T. A.* of *L.* Gent. That whereas *J. A.* of *M.* in the County of *B.* Eſq; having urgent occaſion to uſe money for his neceſſary imployment did about the beginning of the Month of *F.* laſt paſt repair unto your Orator with whom he was formerly acquainted and had ſome communion and Speech and did earneſtly treat with your ſaid Orator to furniſh and lend him the ſaid *J. A.* the ſum of 500 *li.* for one whole year after the rate of ſix pounds in the hundred for the ſame offering to give your ſaid Orator good ſecurity in Land for the ſame And the ſaid *J. A.* did then tell your ſaid Orator that he was ſeiſed of a good perfect and

indefeazible Estate in the Law in Fee-simple to the onely use of him and his Heirs for ever of and in the Manor or Lordship of *M.* with the appurtenances in the County of *B.* being (as he alleadged) of the yearly value of 300*li.* or thereabouts And that he would assure the same to your Orator and his Heirs for the repayment of the said 500*li.* with the Interest thereof And the said *J. A.* did then confidently affirm to your Orator That the said Manor of *M.* was free from all incumbrances by him the said *J. A.* or any his Ancestors had made suffred or done And the said *J. A.* did then farther inform your Orator That the said Manor or Lordship so to be conveyed and assured to your Orator as aforesaid would be a good security for repayment of your Orator To whose fair speeches your Orator giving credit and wholly relying upon the honest and faithfull dealing of the said *J. A.* your said Orator did lend unto the said *J. A.* the sum of 500*li.* of lawfull money of *England* And the said *J. A.* according to his agreement for security of payment of the same did by his Deed indented bearing date about the twentieth day of this present Month of *J.* acknowledged to be enrolled in his Majesty's high Court of Chancery convey and assure unto your said Orator and his Heirs the aforelaid Manor or Lordship of *M.* with the appurtenances and all other his Lands Tenements and Hereditaments lying in *&c.* or in any of them in the County of *B.* and under

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a Proviſo or Condition Nevertheleſs in the ſaid Deed Indented contained that if the ſaid *J. A.* his Heirs Executors Adminiſtrators or Aſſigns do truly pay or cauſe to be paid unto your ſaid Orator his Executors Adminiſtrators or Aſſigns the ſum of 540*li.* of lawfull money of *England* At or in the Middle-Temple Hall *Fleetſtreet London* in manner and form following that is to ſay on the 24th day of *D.* now next coming the ſum of twenty pounds thereof And on the 17th of *J.* which ſhall be in the year of our Lord God 16— the ſum of 520*li.* more reſidue and in full payment and ſatisfaction of the ſaid ſum of 540*li.* That then and from thenceforth the ſaid Conveyance and Aſſurance of the ſaid Manor or Lordſhip of *M.* with the appurtenances and the Inrollment of the ſaid Deed indented And all and every the Covenants therein contained ſhall be utterly void and of none effect as if the ſame had never been had and made As in and by the ſaid Deed indented ready to be ſhewed to this honourable Court more plainly and at large it doth and may appear But now ſo it is may it pleaſe your good Lordſhip that ſince ſuch Conveyance and Aſſurance ſo thereof made as aforeſaid to your ſaid Orator and his Heirs of the ſaid Manor or Lordſhip of *M.* with the appurtenances Your Orator is given to underſtand that the ſaid *J. A.* hath made divers and ſundry ſecret Eſtates of the ſaid Manor and Premiſſes or of ſome parts thereof to perſons un-

known to your ſaid Orator and hath entred into divers Statutes and Recognizances and ſuffered divers Judgments againſt him for payment of money or for ſome other cauſe or thing whereunto the ſaid Manor and Premiſſes ſo aſſured to your ſaid Orator as aforeſaid is and are liable and may in a ſhort time make your Orators aſſurance of the ſaid Manor and Premiſſes of no force or effect if the ſame be not ſpeedily prevented and redreſſed by this honourable Court according to equity In tender conſideration whereof and forasmuch as your Orator doubteth not but that the ſaid *J. A.* will upon his corporal oath ſet forth and diſcover the truth of the Premiſſes if he may be thereunto compelled by the Order of your Lordſhip and this honourable Court May it therefore pleaſe your Lordſhip the Premiſſes conſidered to grant unto your Orator his Majeſty's moſt gratious Writ of *Subpœna* to be directed to the ſaid *J. A.* commanding him thereby at a certain day and under a certain pain to be therein limitted to be and perſonally to appear before your Lordſhip in his Majeſty's high Court of Chancery then and there to anſwer directly to the Premiſſes And alſo to ſet forth upon his Oath whether *J. A.* deceaſed his late Father or any other of his Anceſtors have any way incumbred the aforeſaid Manor and Premiſſes or any part thereof and how and in what manner And farther to ſtand to and abide ſuch Order and direction in the Premiſſes as to your good

good Lordſhip ſhall ſeem agreeable with equity and good Conſcience And your Orator ſhall ever pray *&c.*

A Bill for Dilapidations.

To the right honourable *George* Lord *Jeffreys* Baron of *Wem* Lord high Chaccellor of *England.*

Humbly complaining ſheweth unto your Lordſhip your Orator *L.B.* of *W.* in the County of *O.* Clerk that one *E. M.* late of *W.* aforeſaid Clerk was heretofore in his life time for about thirteen years laſt paſt Rector of the Rectory of *W.* aforeſaid and during that time received had and enjoyed all the Tythes belonging to the ſaid Rectory and enjoyed the Parſonage-houſe and the Barns Stables and other Out-houſes thereunto belonging And the ſaid *E. M.* continued in the poſſeſſion and enjoyment of the ſame Premiſſes untill the time of his death which happened in or about the Month of *October* one thouſand ſix hundred eighty and five After whoſe death your Orator was preſented to the ſaid Rectory and duly inſtituted and inducted into the ſame and thereby is become lawfully ſeized of the ſaid Rectory Tythes and Premiſſes And your Orator farther ſheweth that the ſaid *E. M.* having in his life time and to the time of his death another Rectory or Parſonage of good value did for ſeveral years before his death neglect to repair the ſaid Parſonage-houſe of *W.* and

W. and Out-houſes thereunto belonging and ſuffered the ſame to run very much out of repair ſo that at the time of his death the ſame was very ruinous and your Orator immediately after his Preſentation Inſtitution and Induction unto the ſaid Rectory cauſed the defects of Reparations of the ſaid Parſonage-houſe and Out-houſes to be viewed and valued by ſubſtantial Workmen who valued the Dilapidations thereof at one hundred and ſixteen pounds Of which Dilapidations and the value thereof your Orator gave notice to *E. M.* the Widow and Relict of the ſaid *E. M.* and deſired her to repair the ſame ſhe having taken forth Letters of Adminiſtration of her ſaid Husband's perſonal Eſtate and poſſeſſed her ſelf of all her ſaid Husband's Eſtate conſiſting in ready Money Plate Jewels Rings Bills Bonds Mortgages Statutes Recognizances Judgments Leaſes for Lives and long terms of years and other Securities for Money Houſholdſtuff of all ſorts Horſes Cows Corn in the Barns and other perſonal Eſtate of great value ſufficient to pay his juſt Debts with a great overplus And the ſaid *S. M.* ought to make good the ſaid Dilapidations and defects of repairs and ought long ſince to have done the ſame But now ſo it is may it pleaſe your Lordſhip that *S. M.* by combination or confederacy with ſome perſon or perſons unknown to your Orator (whoſe names when diſcovered y^r^ Orator prays may be inſerted into this Bill together with apt matter to charge them) doth abſo-

ſolutely refuſe to make good the ſaid Dilapidations ſometimes pretending that the ſaid Houſes were in good repair at the time of the death of the ſaid *E. N.* or but a very little out of repair and thereupon your Orator being about to ſue the ſaid *S. M.* as Adminiſtratrix of her ſaid Husband to make good and anſwer the value of the ſaid Dilapidations and defects of repair She threatned ſhe would plead *plene adminiſtravit* to ſuch Suit and doth conceal her ſaid Husband's perſonal Eſtate and convert and diſpoſe the ſame to her own uſe and doth falſly pretend that the ſaid *E. M.* his perſonal Eſtate was very ſmall and inconſiderable and not ſufficient to pay his funeral charges and juſt Debts for that (as ſhe pretended) he owed very many great and conſiderable Debts to divers perſons at the time of his death but to whom in particular the ſaid *E. M.* owed any money at his death or how much or how ſuch Debts were contracted or how the ſame were ſecured the ſaid *S. M.* utterly refuſeth to diſcover and in truth the ſaid *E. M.* was very little if any thing indebted at the time of his death and the Debts by him owing were very inconſiderable and the ſaid *E. M.* his perſonal Eſtate which came to the hads cuſtody or poſſeſſion of the ſaid *S. M.* or of ſome other perſon or perſons by and with her conſent privity knowledge or direction was ſufficient to pay all his juſt Debts and make good the ſaid Dilapidations with a great overplus And beſides the

ſaid

ſaid perſonal Eſtate the ſaid *E. M.* died ſeized of a real Eſtate lying at *C.* in the County of *B.* of the yearly value of two hundred pounds and upwards which he left to deſcend to his Heir at Law or otherwiſe by him charged with payment of his Debts and ought to be Aſſets for ſatisfaction of the juſt Debts of the ſaid *E. M.* and the ſaid *S. M.* hath received greater ſums of money which were due for Rent in the life time of the ſaid *E. M.* and by agreement with and the conſent of the ſaid *E. M.* Heir at Law ſhe the ſaid *S. M.* doth continue to receive the Rents and Profits of the ſaid Premiſſes which have been due ſince the death of the ſaid *E. M.* to her own uſe and benefit untruly pretending that the ſame were ſettled upon her by her ſaid Husband in his life time for her life for her Jointure whereas the truth is (and ſo the ſaid *S. M.* well knows) that no ſettlement was made of the ſaid Premiſſes or any part thereof on her the ſaid *S.* or for her uſe by the ſaid *E M.* in his life time but that the ſame deſcended to his Heir at Law And the ſaid *E. M.* not long before his death had received as a marriage Portion with the ſaid *S.* the ſum of fifteen hundred pounds or ſome other great and conſiderable ſum of money which was put out at intereſt or elſe was remaining in his houſe or elſewhere undiſpoſed of at the time of his death And although the ſaid *S. M.* doth at this time enjoy ſo great and conſiderable an Eſtate both real and perſonal which was the

ſaid

ſaid *E.M.*'s Yet ſhe by combination with *A. M.* the Heir at Law refuſeth to pay or make good unto your Orator the ſaid one hundred and ſixteen pounds or any part thereof for and towards the repairing the ſaid Parſonage-houſe and Premiſſes as in Juſtice and Equity ſhe ought to doe All which doings of the ſaid *S.M.* are contrary to Equity and good Conſcience In tender conſideration whereof and foraſmuch as your Orator is remedileſs in the Premiſſes by the ſtrict rules of the Common Laws of this Realm and the rather for that his Witneſſes who could and ſhould prove the truth of all and ſingular the Premiſſes are either dead or in places remote and unknown to your Orator To the end therefore that the ſaid *S.M.* may ſet forth and diſcover the perſonal Eſtate which the ſaid *E. M.* died poſſeſſed of or intereſſed in or that any other was intereſſed in truſt for him or for his uſe and the particulars thereof and the true and utmoſt value of each particular and may exhibit a true and perfect Inventory thereof into this honourable Court and of every particular thereof which ſhe or any other in truſt for her or with her privity direction conſent or knowledge have or hath poſſeſſed him her or themſelves of and how ſhe or ſuch other perſon hath diſpoſed of the ſame or any part thereof and to whom and for what and what ſecurities ſhe hath altered and for what ſums of money and from whom owing and in whoſe name ſhe hath taken the now ſecurity whether the

the ſaid *E. M.* hath received her marriage Portion before his death and how much the ſame was and whether he had diſpoſed of the ſame or any part thereof before his death and to whom or whether part thereof was in his houſe or elſewhere indiſpoſed of at the time of his death and how ſhe hath diſpoſed of the ſame and what real Eſtate the ſaid *E. M.* was ſeized of at the time of his death and the true yearly value of the ſame and where the ſame lies and in whoſe occupation and what Rents were due and in arrear for the ſame at the time of his death and whether ſhe or who elſe received the ſame and whether the ſaid Lands did on the death of the ſaid *E. M.* deſcend to his Heir at Law or were by him made ſubject to the payment of his Debts and whether ſhe or any other and who for her uſe hath received the Rents and profits thereof which have grown due ſince the death of the ſaid *E. M.* or is by agreement to receive the ſame or whether any ſettlement was made and executed thereof or any part thereof and what part upon her for her life or for what other Eſtate by the ſaid *E. M.* in his life time and when the ſame is dated and executed and what Debts the ſaid *E. M.* owed at his death and to whom and how ſecured and what thereof ſhe hath paid and to whom and when and whether ſhe paid the full value or compounded any and which of them and at what rate and that the ſaid *S. M.* may true anſwer make to all and ſingular the Premiſſes and

and that your Orator may have such discovery and relief as shall be agreeable to Equity and good Conscience May it please your Lordship to grant to your Orator Process of *Subpœna* to be directed to the said *S. M.* and to *A M.* the Heir at Law thereby commanding them and either of them at a certain day and under a certain pein therein to be limited personally to be and appear before your Lordship in the high Court of Chancery then and there to answer all and singular the Premisses and to stand to and abide such farther Order and Decree therein as to your Lordship shall seem meet And your Orator shall pray, *&c.*

A Bill to redeem a Mortgage, or foreclose the Equity of Redemption.

To the Right Honourable *G.* Lord *J.* Lord Chancellor of *England.*

Humbly complaining sheweth unto your good Lordship your daily Orators *R. B.* of the Middle Temple *London* Esq; and *F. B.* of the Middle Temple aforesaid Esq; that whereas *E.C.* late of *S.* in the County of *W.* Esq; in the Month of *Feb.* in the year of our Lord God 168 . having occasion for Moneys did apply himself to your Orator *R. B.* to borrow the summ of 150 *l.* proposing to secure the repayment thereof with Interest by a Mortgage of certain Water-Corn Mills in *H.* in the County of *W.* whereof the said *E. C.* then

then was or pretended himself to be seised in Fee simple and which the said *E. C.* did aver to be of the yearly value of twenty pounds at the least whereupon your Orator *R. B.* at the earnest importunity of the said *E. C.* was prevailed upon and did accordingly lend unto the said *E. C.* the said Sum of 150 *l.* and the said *E. C.* for the security thereof with Interest by his Indenture of Lease or Mortgage bearing date the five and twentieth day of *Feb.* in the said year of our Lord 1681. made between him the said *E C.* of the one part and your Orator *F. B.* of the other part in consideration of the said summ of 150 *l.* mentioned to be paid by your Orator *F. B.* to the said *E. C.* and well and truly paid to him by your Orator *R. B.* before the Sealing and Delivery of the same Indenture did demise grant bargain and sell unto your Orator *F. B.* (in trust for your Orator *R. B.*) the aforesaid Mills with the appurtenances situate in *H.* in the said County of *W.* which formerly belonged unto *W. S.* a person attainted of high Treason and were then lately granted unto the said *E. C.* by our Sovereign Lord the Kings Majesty that now is by the name of His Royal Highness *J.* Duke of *York* and *Albany* And the Reversion and Reversions Rents Issues and Profits of the Premisses To have and to hold the said Water-Corn-Mills and Premisses and every part and parcel thereof unto your Orator *F. B.* his Executors Administrators and Assigns from the sealing and deli-

delivery of the ſaid Indenture unto the full end and term of ninety and nine years from thence next enſuing and fully to be complete and ended at and under the yearly rent of one Peper Corn at the feaſt of St. *Jo.* Baptiſt if the ſame ſhould be demanded In which ſaid recited Indenture there is contained a Proviſo or condition that if the ſaid *E. C.* his Heirs Executors Adminiſtrators or Aſſigns ſhould well and truly pay or cauſe to be paid unto your Orator *F. B.* his Executors Adminiſtrators or Aſſigns in the common Dining-Hall of the Middle Temple *London* the ſumm of 159*l.* of lawfull Money of *England* in manner therein mentioned (that is to ſay) 4*l.* and 10*s.* part thereof on the 26th day of *Auguſt* next enſuing the date of the ſaid Indenture and 154*l.* and 10*s.* more the reſidue of the ſaid 159*l.* on the 26th day of *February* then next following without any deduction or defalcation whatſoever that then and from thenceforth ſuch due payment being had and made the ſaid recited Demiſe Grant Bargain and Sale of all and ſingular the Premiſſes ſhould ceaſe determine and be utterly void and of none effect to all intents and purpoſes the ſaid Indenture or any thing therein contained to the contrary thereof in any wiſe notwithſtanding And though the ſaid *E. C.* by the ſame Indenture did covenant promiſe and grant to and with your Orator *F. B.* his Executors Adminiſtrators and Aſſigns that he the ſaid *E. C.* his Heirs and all and every o-

ther Perſon and Perſons and their Heirs having claiming deriving or pretending or which could or might thereafter have or claim any manner of Eſtate Right Title Intereſt Claim Benefit or Demand of in to or out of the ſaid Water-Corn-Mills with the Appurtenances or any Eſtate or Intereſt thereof ſhould and would from time to time and at all times from and after default made of payment of the ſaid ſumm of Money in the Proviſo or Condition aforeſaid expreſſed or either of them upon the reaſonable requeſt of your Orator *F. B.* his Executors Adminiſtrators and Aſſigns make and execute or cauſe to be made and executed unto your Orator his Executors Adminiſtrators and Aſſigns all and every ſuch farther lawfull and reaſonable Acts Deeds Grants Releaſes Conveyance and Aſſurance in the Law whatſoever for the farther and better perfect and more abſolute granting conveying and aſſuring of the ſaid Water-Corn-Mills with the Appurtenances and every part and parcel thereof unto your Orator *F. B.* his Executors Adminiſtrators and Aſſigns for and during the ſaid term of 99 years diſcharged of the Proviſo or Condition aforeſaid and of Power Equity and Benefit of Redemption as by the ſaid *F. B.* his Executors Adminiſtrators or Aſſigns or his or their Counſel learned in the Law ſhall be reaſonably deviſed adviſed or required And there was an Agreement contained in the ſaid Indenture that the ſaid *E. C.* his Heirs

Execu-

Executors and Aſſigns ſhould and might have hold and enjoy the Premiſſes and receive and take the Rents and Profits thereof to his and their own uſe and uſes untill the firſt default of payment ſhould be made of the ſumm of Money in the Proviſo and Condition aforeſaid expreſſed without any Let Suit Hindrance or Denial of or by your Orator *F. B.* his Executors or Aſſigns (any thing in the ſaid Indenture contained to the contrary thereof in any wiſe notwithſtanding [as in and by the ſaid recited Indenture ready to be produced to this Honourable Court and whereunto your Orators for more certainty in all things refer themſelves it doth and may appear.] Which ſaid Leaſe or Mortgage was ſo made as aforeſaid to your Orator *F. B.* and his name uſed therein onely in Truſt for your other Orator *R. B.* and the ſaid 150 *l.* ſo lent as aforeſaid and ſecured by the ſaid Indenture was the proper Moneys of your Orator *R. B.* and ſo the ſame was known and underſtood by the ſaid *E. C.* And your Orators farther ſhew that the ſaid *E C.* after he had borrowed the ſaid 150*l.* of your Orator *R. B.* as aforeſaid made default of payment of the ſame and the Intereſt thereof in the ſaid Proviſo mentioned and hath not paid one penny of the ſaid Principal Money or Intereſt ſince the lending the ſaid 150 pounds as aforeſaid but hath totally failed to pay the ſame or any part thereof and the ſaid Mills ſtanding upon a rapid ſtream eſpecially

in the time of Floods are very Subject to be damnified and the Banks Stanks and Hears belonging to the ſame do often much damage by the ſwiftneſs of the Stream and Torrent there ſo that by reaſon thereof and for want of Repairs the ſaid Mills with the appurtenances are much decayed and in great danger of utter deſtruction and demoliſhment and are of late much ſunk and fallen in their Rent and yearly value ſo that your Orator *R. B.* is in very great danger of looſing all or the greateſt part of his ſaid money and Intereſt Of all which premiſſes your ſaid Orator *F. B.* in the behalf of your other Orator hath from time to time acquainted the ſaid *E. C.* and requeſted him to raiſe and pay the ſaid Money and Intereſt either by the ſaid Mills or ſome other way as he could moſt conveniently do the ſame and your Orators farther ſhew that about the month of *November* laſt paſt the ſaid *E. C.* for the raiſing Money for and towards the payment of the ſaid Debt and Intereſt and ſome other Debts did make ſeal and execute ſome Deeds of Feoffment Leaſe and Releaſe or ſome other Conveyance unto one *E. G.* of *B.* in the County of *W.* Eſq; in Truſt and to enable him to make ſale of the ſaid Mills with the appurtenances and with the Moneys to be raiſed by ſuch ſale in the firſt place to pay to your Orator the ſaid 150*l.* and Intereſt and if there ſhould be any overplus then to pay certain other Debts mentioned in a Schedule annexed

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to such Deed or Conveyance and the residue thereof if any should be to pay to his two Daughters —— *C.* and —— *C.* or upon some such like Trusts As by the said Deed or Conveyance if your Orator had the same to produce and whereunto your Orators for more certainty in all things refer themselves it doth and may more at large appear And your Orators farther shew That they have often requested and made application to the said *E. G* to execute the said Trust by making sale of the said Mills and Premisses and thereby raising Moneys to pay your Orator *R. B.* his said Debt and Interest and have also requested the said *E. C.* to release all equity and power of Redemption to your Orator *F. B.* in Trust for your other Orator during the said Term of 99 years according to the said Covenant comprised in the said Indenture But so it is may it please your good Lordship that the said *E. G.* and —— *C.* and —— *C.* the Daughters since the making and executing the said Conveyance or Deed in Trust to the said *E. G.* as aforesaid have entred upon the said Mills and hold and enjoy the same and share and divide the profits thereof amongst themselves which they have the more opportunity to doe in regard the said *E. C.* hath of late years been and dwelled remote from the said Mills in some or one of his Majesties Garrisons near the Sea and now the said *E. G.* doth refuse or delay to execute the said Trust in Selling the said

Mills and raiſing and paying of the ſaid Debts and he is the more unwilling and backward therein becauſe he is perſuaded againſt it by the ſaid —— *C.* and —— *C.* the Daughters who take moſt of the profits of the ſaid Mills to their own uſe ſo that your Orator *R. B.* is likely to be delayed of the payment of his ſaid Debt and Intereſt unleſs aſſiſted by this Honourable Court In tender conſideration whereof and for that your Orator *R. B.* hath no Remedy at the Common Law to compell the ſaid *E. G.* to execute the ſaid Truſt or to ſell the ſaid Mills and thereby raiſe Moneys for payment of your Orator's ſaid Debt in the firſt place And in caſe your Orator *F. B.* on the behalf of your Orator *R. B.* ſhould enter upon the ſame he would be liable to an accompt for the profits thereof and muſt be at very great charges to repair the ſame which in regard of the remoteneſs of your Orator from the place and the nature of the thing would be very inconvenient for your Orator and inconſiſtent with their other Affairs in the World And for that the Mills are now ſo low in their yearly value that it is a great queſtion whether they will be worth your Orators ſaid Debt and Intereſt eſpecially if they ſhall continue to run out of repair as now they doe and for that your Orators have no means at Law to compell the ſaid *E. C.* and *E. G.* to releaſe and convey their and either of their Right Title and Intereſt in and to

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the ſaid Mills unto your Orator during the ſaid Term in the ſaid Indenture of Leaſe or Mortgage mentioned according to the Covenants and Agreements in the ſame compriſed as aforeſaid nor to foreclose the Redemption of the ſaid *E. C.* and *E. G.* in and to the ſame in caſe they or one of them do not pay to your Orator *F. B.* in truſt for your other Orator the ſaid Debt and Intereſt in ſome reaſonable time To the end therefore that the ſaid *E. C. E. G.* — *C.* and — *C.* may upon their corporal Oaths true Anſwer make to all and every the Premiſſes And particularly that the ſaid *E. C.* may ſet forth whether he did not borrow and take up at Intereſt the ſaid 150 *l.* of your Orator *R. B.* and whether he did not make and execute ſuch Conveyance or Security as aforeſaid to your Orator *F. B.* for the ſame in Truſt for your other Orator as aforeſaid and whether he ever paid any penny of the ſaid principal Money or Intereſt thereof to your Orator and that the ſaid *E. C. E. G.* — *C.* and — *C.* the Daughters may ſet forth and diſcover what Deed Writing Feoffment Grant Leaſe Releaſe or other Conveyance or Conveyances the ſaid *E. C.* hath made ſealed or executed unto the ſaid *E. G.* of the ſaid Mills with the Appurtenances or any part or parcel thereof and the true date and contents thereof and whether the ſame were not ſo made and executed in Truſt and to impower the ſaid *E. G.* to make ſale of the ſaid Mills with the Ap-

Purtenances and thereby to raiſe Moneys for the ſale of the ſaid Debt of 150 *l.* and Intereſt in the firſt place and to what other uſes and upon what other Truſt and that the ſaid *E. G.* may make ſale of the ſaid Mills with the appurtenances and pay your Orator *R. B.* his ſaid Debt and Intereſt and the Coſts and Charges of his Suit or that your Orator *F. B.* may have an abſolute Eſtate of and in the ſame in Truſt for your Orator *R. B.* for and during the reſidue of the ſaid Term of 99 years free from all Redemption and Equity and Power of Redemption of or by the ſaid *E. C.* and *E. G.* or either of them their or either of their Heirs or Aſſigns or any Perſon or Perſons claiming by or under their or either of their Titles and that they may releaſe and aſſign the ſame accordingly And that the ſaid Confederates may true and direct Anſwer make to all and every the matters and things aforeſaid as fully and particularly as if they were here again repeated or interrogated and that your Orator may be relieved in all and ſingular the Premiſſes according to Equity and good Conſcience May it pleaſe your Lordſhip to grant unto your Orators his Majeſties gratious Writ of *Subpœna* to be directed unto the ſaid *E. C. E. G.* —— *C.* and —— *C.* the Daughters thereby commanding them and every of them at a certain day and under a certain pain therein to be limited to appear perſonally in this Honourable Court to anſwer all and ſingu-

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lar the Premiſſes And to ſtand to and abide ſuch farther Order and Direction therein as to your Lordſhip ſhall ſeem moſt to ſtand with Equity and good Conſcience And your Orators ſhall ever pray, *&c.*

A Bill to ſtay Waſts.

To the Right Honourable, *&c.*

Humbly complaining ſheweth unto your Lordſhip your Oratrix *E. P.* an Infant by *N. P.* her Father and Prochein Amy That your Oratrix being rightfully ſeized in her Demeſne as of Fee of and in divers Meſſuages Lands Tenements and Hereditaments with the appurtenances within the Pariſh of *C.* and elſewhere in the County of *K.* and in particular of a Meſſuage with about 14 Acres of Land well ſtocked and ſtored with Timber Trees and other Trees and Wood now or late in the poſſeſſion of *C. L.* which ſaid Premiſſes after the death of *B. P.* (your Oratrix Mother who dyed about one year ſince) diſcended and came to your Oratrix as her onely Daughter and Heir whereby your Oratrix is lawfully and rightfully entitled to the ſaid Premiſſes and ought peacefully and quietly to enjoy the ſame without any interruption or diſturbance But ſo it is may it pleaſe your Lordſhip that the ſaid *C. L.* being in the poſſeſſion of the Premiſſes as aforeſaid hath combined and confederated himſelf to and with one *T. G.* of *C.* Husbandman to fell cut down and carry away the

the Timber and Wood ſtanding upon the Premiſſes and to diſpoſe thereof to their own uſe And for that purpoſe the ſaid *C. L.* hath delivered the poſſeſſion of the Premiſſes to the ſaid *T. G.* and the ſaid *T. G.* hath of late committed great Waſts and Spoils thereupon and threatens to continue ſo to doe by cutting down the Timber and Wood and pulling down the Houſes ſtanding and being thereupon And for a pretence and colour onely for his ſo doing gives out he hath ſome Eſtate and Intereſt therein But from whom or what Eſtate or what Intereſt he claimeth in the Premiſſes he refuſeth to diſcover Whereas the ſaid Confederates have no Intereſt therein for that the Intereſt which the ſaid *C L.* had therein was but for ſome ſmall number of years and is lately expired and determined Nevertheleſs the ſaid *T. G.* by the Confederacy aforeſaid commits great Waſts and Spoils thereupon All which is to the great prejudice of your Oratrix and againſt the publick good of this Realm and contrary to all Equity and good Conſcience In tender Conſideration whereof and forasmuch as your Oratrix is remedileſs in the Premiſſes by the ſtrict Rules of the Common Laws of the Realm from the reſtraining of the ſaid Waſtes and Spoils or to diſcover the ſaid *T. G.* his pretended Right and Title to the Premiſſes and from whom he derived the ſame and by what Deed or Deeds or other Conveyances ſuch Right is con-

conveyed to him and the true Dates and Contents thereof and who are Witneſſes thereto To the end therefore that the ſaid *T. G.* may true and perfect Anſwer make to all and ſingular the Premiſſes and ſet forth and diſcover his Right and Title to the ſaid Premiſſes or any or what part thereof and from and by whom and by what Deed or Writing when made and executed and the Date or Dates of ſuch Deed or Writing and of all and every other conveyance he hath concerning the Premiſſes or any part thereof And that the ſaid *T. G.* may be reſtrained from committing and doing any ſuch Waſte and Spoils on the Premiſſes as aforeſaid and your Oratrix relieved in the Premiſſes according to Equity and good Conſcience May it pleaſe your good Lordſhip to grant unto your Oratrix his Majeſties moſt gratious Writ of *Subpœna* iſſuing out of the High Court of Chancery to be directed to the ſaid *T. G.* and *C. L.* thereby commanding them at a certain day and under a certain pain therein to be limited perſonally to be and appear before your Lordſhip in the ſaid Honourable Court to anſwer all and ſingular the Premiſſes, *&c.* And your Oratrix ſhall ever pray, *&c.*

A Bill

A Bill by a Mortgagee that a Mortgager may redeem or be foreclosed And to discover Incumbrances.

To the right honourable &c.

Humbly complaining sheweth unto your Lordship your Oratrix *E. R.* of &c. That *J. F.* of &c. and *M.* his Wife youngest Daughter of *M. B.* Gent. or one of them being seized in Fee or some other Estate of Inheritance or else possessed of some long term of years yet to come of and in all that Messuage &c. (recite the Lands in the Deed of Mortgage) And the said *J. F.* and his said Wife being so seized and possessed as aforesaid and affirming that the same was free and clear of and from all Incumbrances he the said *J. F.* wanting money to supply his occasions did borrow of your Oratrix the sum of 200 *li.* for the securing the repayment whereof with interest the said *J. F.* and *M.* his Wife did by Deed under their Hands and Seals bearing date on or about the 25th day of *A.* in the year of our Lord God 1672 duly executed convey and assure unto your Oratrix and her Heirs for ever all the said Premisses with their and every of their appurtenances and for the better corroborating your Oratrix's Title in the Premisses the said *J. F.* and *M.* his Wife did in due form of Law levy one or more Fine or Fines of the Premisses to the use of your Oratrix and her Heirs and it was by the said Deed

cove-

covenanted and agreed by the ſaid *J. F.* and his Wife that they would levy the ſaid Fine the uſe whereof was thereby declared to be to your Oratrix and her Heirs and that the ſaid Premiſſes were clear of Incumbrances and that they would on requeſt make farther aſſurance of the ſaid Premiſſes to your Oratrix and deliver unto her and her Aſſigns all the Deeds and Evidences concerning the Premiſſes In and by which ſaid Deed it is provided that if the ſaid *J. F.* and his Wife their Heirs Executors or Aſſigns paid or cauſed to be paid unto your Oratrix the ſum of ſix pounds of lawfull money of *England* in and upon the 26th day of *Oct.* then next enſuing the date of the ſaid Deed and the ſum of 206 *li.* of like lawfull money of *England* upon the 27th day of *Apr.* which then ſhould be in the year of our Lord God 1973. that then the ſaid Deed ſhould be void and of none effect or elſe to ſtand in force (as by the ſaid Deed more at large appeareth) And your Oratrix farther ſheweth that the ſaid 200 *li.* nor any part thereof or of the Intereſt thereof hath been yet paid by the ſaid *J. F.* or his Wife but the ſame is yet wholly unpaid unto your Oratrix whereby her Eſtate in the Premiſſes is become abſolute and ſhe and her Heirs and Aſſigns ought peaceably and quietly to hold and enjoy the ſaid Premiſſes to her mortgaged as aforeſaid according to the grant thereof made to her as aforeſaid free from Incumbrances and have a diſcovery of the ſaid Deeds and Evidences and the ſame deli-

delivered unto her fair and uncancelled for the derivation and maintenance of her Title to the Premiſſes But now ſo it is may it pleaſe your Lordſhip that the ſaid *F.* and his Wife have hitherto uſed and are ſtill uſing all the art they can to defeat your Oratrix of her ſaid money lent and of her ſecurity and the better to effect the ſame do combine and confederate themſelves with *J. A.* and *B. W.* who all pretend Title to the Premiſſes or ſome part thereof or that the ſame are charged or chargeable with one or more Statutes Judgments and Recognizances confeſſed to them or ſome or one of them for the ſecuring of ſome ſum or ſums of money which they refuſe to diſcover and do pretend that the ſame or any part thereof is not yet paid whenas the Confederates well know that whatſoever ſums of money were ſecured by any ſuch Judgment or Judgments or otherwiſe is all or moſt part thereof paid and ſuch Judgments or other Incumbrances come to them for ſome ſmall and inconſiderable conſideration in money and brought in and kept on foot of purpoſe to protect the Premiſſes for the ſaid *F.* and his Wife againſt your Oratrix or for ſome other unconſcionable end or purpoſe And the Confederates alſo know that the Premiſſes are ſubject to other Incumbrances which they ought to diſcover but have refuſed on purpoſe to defraud your Oratrix of her ſaid money All which Incumbrances when diſcovered will appear fit in equity to be laid aſide but in the mean

mean time your Oratrix knows not how with ſafety to bring her Ejectment for Recovery of the poſſeſſion of the Premiſſes nor can your Oratrix diſpoſe of the Premiſſes unleſs ſhe had the ſame in her quiet poſſeſſion freed and diſcharged of the Equity of Redemption of the ſaid *J. F.* and his Wife and the ſaid *F.* and his Wife releaſe their Intereſt and pretentions to the Premiſſes as in all Equity ſhe conceives ſhe ought to have in caſe they refuſe to pay what is due to your Oratrix by a ſhort day to be limited by your Lordſhip All which doings of the ſaid Confederates tend to your Oratrix's great prejudice and are againſt all Equity and good Conſcience In tender conſideration whereof and foraſmuch as your Oratrix is altogether remedileſs in the Premiſſes by the ſtrict Rules of the Common Law of this Realm but properly relievable therein by the Equity and Juſtice of this honourable Court To the end therefore that the ſaid Confederates who know the truth of the Premiſſes may perfect Anſwer make thereunto and that they may ſet forth and diſcover their reſpective Rights Title and Claim to the ſaid Premiſſes for and upon what conſideration in money or otherwiſe and for what and how much they paid for the ſame and what Incumbrances the ſaid Premiſſes are liable unto and charged or chargeable with and upon what conſideration and when and between whom made and contracted and that the ſaid *J. F.* and *M.* his Wife may be compell

pelled to pay unto your Oratrix the ſaid principal Mortgage money ſecured by the ſaid Mortgage Deed with Intereſt and her neceſſary Coſts and Charges laid out and to be laid out and expended in and about the making good of her ſecurity by ſome ſhort time to be for that purpoſe prefixed by this honourable Court or in the default thereof that the ſaid *J. F.* and all claiming by from or under him her or them may by the Decree of this Court be from thenceforth debarred and foreclo[ſ]ed of all manner of Equity of Redemption or Reclaim in or to the ſaid Premiſſes and be Decreed according to their Covenant in that behalf to make farther aſſurance to your Oratrix and to releaſe their Claim Benefit and Equity of Redemption of in and to the ſame to your Oratrix and her Heirs and that ſhe and her Heirs and Aſſigns may hold and enjoy the ſame againſt the ſaid *J. F.* and his Wife and his or her Heirs and all claiming under him or her or them free and diſcharged of the ſaid Equity of Redemption And that the ſaid *J. F.* and his Wife may deliver to your Oratrix all the Deeds and Evidences concerning the Premiſſes And that *J. A.* and *B. W.* may more particularly ſet forth and diſcover what Claim or demand they or any of them make to the Premiſſes or any part thereof and how from whom and upon what conſideration for how much money paid by any of them and if for money for how much and whether the ſame is not paid or ſatisfied and by whom and when

when and what remains unpaid if any do and for what the ſaid Judgment or Judgments or ſecurity were obtained and your Oratrix relieved in the Premiſſes according to Equity and good Conſcience *&c.*

Pray Proceſs *&c.*

A Bill to diſcover a perſonal Eſtate.

To the right honourable *George* Lord *Jeffreys* Baron of *Wem* Lord high Chancellor of *England.*

In all humility complaining ſheweth unto your Lordſhip your daily Orator *J. C.* of *L.* Merchant that your Orator hath for ſeveral years paſt followed the Trade of a Merchant within the City of *L.* and other places within this Realm and other parts beyond the Seas and hath ſold divers Wares and Merchandizes to ſeveral perſons and in particular your Orator did at ſeveral times ſell and deliver unto one *T. L.* late of *L.* Vintner divers parcels of Spaniſh and French Wines amounting to a very conſiderable ſum of money and the ſaid *T. L.* coming to an accompt with your Orator touching the ſame about the Month of *D.* which was in the year of our Lord one thouſand ſix hundred eighty and three it did appear and was found that the ſaid *T. L.* was then indebted unto your Orator one hundred and fifty ſeven pounds five ſhillings fifty ſeven pounds five ſhillings part thereof he the ſaid *T. L.* then paid your Ora-

tor and the other hundred pounds was left remaining unpaid as appears by the accompt so ſtated And your Orator farther ſheweth that ſhortly after the making up and ſettling of the ſaid accompt the ſaid *T.* died poſſeſſed of or entituled to a very conſiderable Eſtate conſiſting of Leaſes for years Mortgages Extents Debts due upon Judgments Eſtatutes Recognizances Bonds penal Bills or other ſpecialties or upon Notes Promiſes Accompts or otherwiſe for Wines or other Merchandizes Jewels Plate Ready Money Houſhold-Goods or implements of Houſhold and other things belonging to the ſaid *T. L.* in his Trade as a Vintner and other Goods and Chattels of a very conſiderable value and ſufficient to pay or ſatisfie all his Debts of what kind or nature ſoever with a great overplus and which at the time of the death of the ſaid *L.* were in the poſſeſſion of the ſaid *L.* himſelf or otherwiſe taken in the name or in the poſſeſſion of ſome other perſon or perſons in truſt for him And the ſaid *L.* died ſo poſſeſſed or intituled without any Will made and thereupon the Adminiſtration of all the Goods and Chattels and other perſonal Eſtate of the ſaid *T. L.* was committed to *M.* his Widow and Relict or to her and *B. M.* late of *L.* with whom ſhe intermarried after the death of the ſaid *T. L.* or to the ſaid *B. M.* or ſome other perſon or perſons in truſt for her or otherwiſe the ſaid *T. L.* did make his Will and thereof the ſaid *M.* Executrix or ſome other

other perſon or perſons Executor or Executors thereof in truſt for her and ſhe or they or ſome or one of them have or hath proved the ſame Will and taken the Execution thereof upon her or them or ſome or one of them and after the death of the ſaid *T. L.* the ſaid *M.* his Widow and Relict or ſome other perſon or perſons in truſt for her continued on the Trade in which the ſaid *T. L.* was at the time of his death and poſſeſſed herſelf or him or themſelves of the Eſtate of the ſaid *L.* conſiſting as aboveſaid which was very conſiderably more than what was ſufficient to ſatisfie his Debts and before any Accompt was taken of the Wines whereof the ſaid *L.* was poſſeſſed at the time of his death did continually draw and ſell thereof for ſix or ſeven Weeks or ſome other time which your Orator taking notice of the ſaid *M.* told him that it was no matter for what ſhe or any other perſon or perſons for her had done in regard there was enough to pay all the Debts due by the ſaid *L.* or to ſome ſuch or other like effect and thereupon the ſaid *M.* paid your Orator thirty pounds part of the hundred pounds remaining due to your Orator as aforeſaid upon the ſaid ſtated Accompt and promiſed to pay your Orator the remainder of the ſame hundred pounds in a very little time afterwards in conſideration that your Orator would forbear ſueing her in the mean time But ſo it is may it pleaſe your Lordſhip that after the ſaid *M.* had intermarried with

the ſaid *B. M.* he having exchanged his Calling or Trade and become Vintner your Orator repaired unto the ſaid *M.* and *M.* his Wife and expected to have received the remaining part of his Debt but the ſaid *M.* and *M.* his Wife began to pretend that they had diſcovered ſeveral Bonds and other Engagements by ſpecialty due from the ſaid *T. L.* ſome for his own Debts and others as ſecurity for other perſons which would amount unto a greater ſum than the Eſtate of the ſaid *T. L.* would pay or ſatisfie that there would not (as they did pretend) remain of the Eſtate of the ſaid *L.* ſufficient to ſatisfie your Orator's Debt being onely due to him in manner aforeſaid upon which your Orator deſired that for his ſatisfaction if he muſt loſe his Debt they would ſhew him an accompt of the Eſtate and what was owing upon it which they both refuſed or delayed putting your Orator off with frivolous excuſes from time to time untill he the ſaid *B. M.* likewiſe died And ſince his death your Orator hath renewed the ſame requeſt to the ſaid *M.* which ſhe refuſes to doe the better to conceal the Eſtate of the ſaid *T. L.* the ſaid *M.* his Executrix or Adminiſtratrix as aforeſaid or the other perſon or perſons Adminiſtrators or Adminiſtrator Executors or Executor in truſt for her and to her benefit hath and have neglected to exhibit in the Spiritual Court any true Inventary of the Goods and Chattels and other perſonal Eſtate aforeſaid of the ſaid *T. L.* or whereunto

unto he was any wise intituled as aforesaid and out of such Inventary as is exhibited in them same Court by them or any of them many of the particulars whereof the Estate aforesaid of the said *T. L.* did consist and which are come to the knowledge or hands of them or some and which of them or some other person or persons for them or some or one of them are omitted and the value at which the particulars in such Inventary mentioned are rated much under the true and real values thereof and the said *M.* and the other person or persons Executor or Executors Administrator or Administrators of the said *L.* in trust for her do threaten to plead *plene administravit* to any Suit your Orator shall bring at the Common Law for recovery of what is due to your Orator as aforesaid well knowing that by reason of the alteration of the Estate aforesaid of the said *L.* and the clandestine actions of the said *M.* and the other person or persons aforesaid your Orator cannot prove the Premisses in so exact and strict a manner as the rules of the Common Law do require All which actings and doings of her the said *M.* and the other person or persons aforesaid are contrary to Right Equity and good Conscience In tender consideration whereof and forasmuch as your Orator is by reason of the practices of the said *M.* and the other person or persons aforesaid remediless in the Premisses unless by the aid of this honourable Court your Orator may have a particular dis-

covery thereof by the oath of the said *M. M.* who well knows and is satisfied of the truth of all and singular the Premisses before set forth who when she doth answer thereto upon oath must and will discover the same To the end therefore she may so doe and in particular set forth a true and perfect Inventary of all and singular the Goods and Chattels Rights and Credits of the said *T. L.* or in trust for him and whereunto he was intituled at the time of his decease and the particulars thereof and whereof the same did consist and also what Debts were owing by him and how and which of them are paid and by whom whether the principal Debtors by the Bond in which the said *T. L.* was bound onely as Surety did not discharge the same or have not otherwise secured the payments of the Debts due on the same Bonds or some or one part or parts thereof and which of them so that they will be no charge upon the Estate of the said *L.* and may also set forth when and how long after the death of the said *T. L.* an Accompt and what was taken of his Wines and Goods and what quantity was sold or how much money was received and by whom for them before such Accompt taken and whether she did not inform your Orator that there was Estate enough to satisfie the Debts of the said *T. L.* and in pursuance thereunto paid your Orator thirty pounds and promised the rest in manner and upon the consideration above mentioned and the true reason why the

Estate

Eſtate of the ſaid *L.* now comes to fall ſhort And may true and perfect Anſwer make to all and ſingular the Premiſſes and diſcover what ſhe doth know hath heard or been informed touching the ſame with the ſeveral Circumſtances thereof as fully and particularly as if the ſame were in the Prayer of this Bill particularly repeated and interrogated May it pleaſe your Lordſhip to grant unto your Orator his Majeſties moſt gracious Writ or Writs of *Subpœna* to be directed to the ſaid *M. M. alias L.* thereby commanding her perſonally to be and appear before your Lordſhip in this honourable Court at a certain day and under a certain pain therein to be limited and upon her corporal oath to anſwer all and ſingular the Premiſſes and farther to ſtand to and abide ſuch Order and Decree therein as to your Lordſhip ſhall ſeem juſt with Equity And your Orator as in duty bound ſhall ever pray, *&c.*

A Bill of Diſcovery of a Deed and what Intereſt claimed thereby being under a Proviſo And to diſcover whether it were performed ſo as to avoid the Deed it being to be void on tender of 5 s.

To the right honourable *&c.*

Humbly complaining ſhew unto your Lordſhip your Orator and Oratrix *J. B.* of *&c.* an Infant by his next Friend and Guardian and *R. K.* of *&c.* That *J. B.* of *&c.* Father

of your Orator *J. B.* being in his life time and at the time of his death ſeized in his Demeaſne as of Fee-ſimple or of ſome other Eſtate of inheritance whereof he had power to diſpoſe by his laſt Will and Teſtament in Writing or otherwiſe of and in *&c.* (here name the Lands the value and in whoſe poſſeſſion) And being ſo ſeized on or about *&c.* made his laſt Will and Teſtament in writing and thereby deviſed the ſaid Meſſuages Lands and Tenements with the Appurtenances to *H. K.* and *M. K.* youngeſt Daughter of the ſaid *J. B.* to hold to them the ſaid *H. K.* and *M. K.* and the Survivor of them or his or her Executors to levy receive and take and untill they had levied and received out of the profits of the ſaid Premiſſes the ſum of one hundred and fifteen pounds which he limited to be paid as followeth (*viz.*) five pounds to his Brother *A.* and ten pounds to your Oratrix *R. K.* his Grandchild and one hundred pounds for a Mariage Portion for the ſaid *M. K.* and ſeven pounds yearly out of the Profits towards her maintenance till her Marriage and after the ſaid ſums raiſed and the ſaid *M.* married he deviſed the ſaid Meſſuages Lands and Premiſſes to your Orator *J. B.* and his Heirs lawfully begotten and in default of ſuch Iſſue to *H. K.* and his Heirs And the ſaid *J. B.* alſo deviſed to his ſaid Daughter *M.* two Fields *&c.* As by the ſaid Will to which your Orators refer themſelves for their more certainty therein) more at large appeareth

peareth And your Orators and Oratrix farther ſhew that ſhortly after the making of the ſaid Will the ſaid *J. B.* died And the ſaid *M. B.* by virtue of the ſaid Will entred on the Premiſſes and received the Rents and Profits thereof whereby ſhe hath long ſince received the ſaid one hundred pounds for her Marriage Portion and alſo the ſaid ſeven pounds *per annum* and the ſaid ten pounds given to your Oratrix *R.* and five pounds to *A. B.* with a great overplus and about —— intermarried with one *D. M.* of — in the County of — Wherefore your Orator *J. B.* expected ſhe would have delivered up the poſſeſſion of the Premiſſes to him as in Juſtice and Equity ſhe ought to have done And your Oratrix *R.* well hoped ſhe would have paid your Oratrix her ſaid ten pounds according to the true intent of the ſaid Will But now ſo it is may it pleaſe your Lordſhip that the ſaid *M. B.* having as aforeſaid intermarried with the ſaid *D. M.* they the ſaid *D. M.* and the ſaid *M.* his Wife by Combination and Confederacy with *H. T.* of *&c.* and *P. R.* of *&c.* and *H. K.* do falſly pretend and give out in ſpeeches that the ſaid *J. B.* made no ſuch Will as aforeſaid or if he did yet ſome ſhort time before the making of the ſaid Will he did as they alſo falſly pretend by ſome Deed or Conveyance made between the ſaid *J. B.* *H. T.* and *P. R.* convey the ſaid Meſſuage Lands Tenements and Premiſſes aforeſaid unto them the ſaid *H. T.* and *P. R.* to the uſe of the ſaid *M. B.* and her Heirs

Heirs or otherwiſe ſettled the ſaid Premiſes on the ſaid *M. M.* whereas if any ſuch Conveyance or ſettlement was ever made by the ſaid Teſtator *J. B.* the ſame was made and executed with ſome Proviſo or power of Revocation contained therein for making good the ſaid Conveyance or Settlement and accordingly the ſame hath been ſince revoked and made void or elſe the ſaid Settlement was voluntary and without conſideration and under an expreſs truſt for the ſaid *J. B.* and his heirs and to be diſpoſed of at his will and pleaſure or at leaſt to be onely for a Proviſion for the ſaid *M.* until the ſaid Teſtator ſhould otherwiſe provide for her which he did by his ſaid Will in manner as aforeſaid As alſo by another Deed and Inſtrument bearing date and by him duly executed on or about the Seventeenth of *Sept.* 1677. whereby he charged other part of his real Eſtate with the payment of forty pounds to the ſaid *M.* or the ſaid Proviſo whatever it was performed and ſo would appear by the ſaid Deed it ſelf if the ſaid Confederates would produce the ſame or was offered to be performed according to the intent of the ſaid Proviſo which the ſaid Confederates well know and that for the reaſons aforeſaid the ſaid Deed (if any ſuch there were) is become void and of none effect And the ſaid Proviſo or power of Revocation contained in the ſaid Deed hath not been literally peruſed yet the ſame hath been performed obſerved and purſued in ſubſtance and the ſaid Teſtator

tor did ſend to the ſaid *H. T.* for the ſaid Deed and often in his life time required the ſaid Deed to be delivered up and the ſaid *H. T.* promiſed from time to time to deliver up the ſaid Deed but put the ſaid *J. B.* off from time to time until he died and the ſaid Teſtator did what he apprehended and took to be a good and full performance and what is and ought to be in Equity a good performance And the ſaid Confederates have received more out of the Profits of the ſaid deviſed Premiſſes than the ſeveral ſums charged thereupon by the ſaid Will do amount unto and yet having got all the Deeds Evidences and Writings of or concerning the ſaid Premiſſes and other the Eſtate of your Orator *J. B.* and the Title thereof unjuſtly detain and keep the ſame as alſo the poſſeſſion of the ſaid deviſed Premiſſes againſt your Orator *J. B.* who is Heir at Law as well as Deviſee of the ſaid Premiſſes And the ſaid *H. T. D. M.* and his ſaid Wife ſome or one of them have for ſeveral years received the Rents and Profits of your Orator's Lands in *E. F.* in the County of *&c.* of the value of *&c.* particularly of one *&c.* your Orator's Tenant and other ſeveral ſums of money and taking advantage of your Orators Infancy apply the ſame to their own uſe and refuſe to give your Orator any Accompt thereof and the ſaid *H. T.* who took on him to be Guardian to your Orator hath ſuffered your Orator to be ſued at Law for moneys owing

for

for his maintenance and other Debts which the ſaid *H. T.* ought to have paid and diſcharged out of the ſaid moneys received out of your Orators ſaid Eſtate at *&c.* And the ſaid Confederates refuſe to pay your Oratrix *R.* the ſaid ten pounds and ſometimes they make and pretend to themſelves other Eſtate and Title of and to the ſaid deviſed Premiſſes All which doing of the ſaid Confederates are contrary to Equity and good Conſcience In tender conſideration whereof and foraſmuch as your Orator and Oratrix are remedileſs *&c.* for want of Witneſſes and for that the ſaid Confederates have all the ancient Deeds Evidences and Writings in their hands of and concerning the ſaid Premiſſes To the end therefore that the ſaid Confederates may ſet forth and diſcover what Eſtate or Intereſt they claim or pretend of in or to the ſaid Premiſſes and by what Deed or Conveyance and whether the ſaid *J. B.* made any ſuch and what Deed Conveyance or Settlement on the ſaid Confederates or any and which of them and the date and contents thereof and between whom made and how executed whether by Livery or how elſe who are Witneſſes thereto and where they live and whether the ſame was executed on the day it bears date and in whoſe hands cuſtody or power the ſame and all other the Deeds Evidences and Writings of or belonging to the ſaid deviſed Premiſſes or your Orator *J. B.*'s other Lands and real Eſtate are or lately were and that they may produce the

ſame

ſame and whether the Proviſo therein contained was not by ſome means performed and ſomething done which was intended by all perſons to be a good performance thereof And whether the ſaid Teſtator *J. B.* did not ſend for the ſaid Deed or Conveyance to the ſaid *T.* and what anſwer he returned thereto And that they the the ſaid Confederates may ſet forth whether the ſaid *J. B.* did not make ſuch Will as is before ſet forth and whether the ſame was not made after the ſaid Deed and taken and looked upon to be a revocation thereof And whether the ſaid *M.* did not enter upon and enjoy the ſaid Premiſſes by virtue of the Deviſe in the ſaid Will and whether the ſaid *J. B.* did not make other and what proviſion for the ſaid *M.* equivalent to the ſaid Premiſſes And that the Confedederates may diſcover the true yearly value of the ſaid Premiſſes aud may exhibit a true accompt of all Rents and Profits which they or any of them or any other perſon or perſons by their Order have or hath received out of either of your Orator's ſaid Eſtates and how they have diſpoſed thereof And that the ſaid Confederates who know the truth of the Premiſſes may true Anſwer make to all and ſingular the the Premiſſes and that your Orator and Oratrix may be relieved therein according to Equity May it pleaſe your Lordſhip *&c.*

A Bill

A Bill to Redeem a Mortgaged Estate or be foreclosed of the Equity of Redemption.

To the Right Honourable, *&c.*

Humbly complaining *&c.* your Orator *A. B.* of *L.* Merchant That *J. C.* Citizen and Merchant-Taylor of *L.* in or about the year *&c.* being or pretending to be possessed of or interessed in all that *&c.* [*Recite the Land*] And the said *J. C.* being so possessed and interessed and having occasion for the summ of 250 *l.* And thereupon the said *J. C.* for securing the repayment thereof with Interest did by Indenture bearing date and duly executed on or about *&c.* [*Recite the Deed till you come to the Covenants*] with a Covenant on the said *J. C.*'s part for payment of the said Mortgage Money and other usual Covenants as by the said Indenture ready to be produced and to which your Orator referreth himself more at large appeareth And your Orator farther sheweth That the said 250 *l.* or the Interest thereof was not paid at the times in the said Indenture before mentioned nor at any time or times since whereby your Orators Estate in the said Premisses became absolute and he and his Executors and Administrators ought quietly and peaceably to hold and enjoy the same for and during the Remainder of the said Term of fifty seven years according to the said Bargain and Sale to him made as aforesaid and to have the possession thereof

thereof delivered to him and the Deeds and Writings concerning the ſame for the derivation and maintenance of his Title in and to the ſaid Premiſſes But now ſo it is may it pleaſe your Lordſhip that the ſaid *J. C.* in or about *&c.* dyed inteſtate and *R. C.* his Relict hath taken out Letters of Adminiſtration of the Goods Chattels Debts Rights and Credits of the ſaid *J. C.* and thereby gotten poſſeſſion of the ſaid Mortgaged Premiſſes pretending a right to the Equity and benefit of Redemption of the ſaid Mortgaged Premiſſes and yet refuſes to pay your Orator the ſaid Mortgage Money but hath ſuffered great Arrears to incur of the ſaid Rent of *&c. per annum* reſerved to be paid to the ſaid *C. P.* And your Orator having occaſion for his Money cannot diſpoſe of the Premiſſes to any purchaſer and thereby raiſe to repay himſelf the ſaid Mortgage Money unleſs he had the ſame in his quiet poſſeſſion freed and diſcharged of the Equity of Redemption of the ſaid *R. C.* and ſhe releaſe her Intereſt and Equity of Redemption to the ſaid Premiſſes to your Orator as ſhe ought to doe in caſe ſhe refuſe to pay what is due to your Orator by a ſhort day to be limited by this Court And your Orator hath already diſcovered that the ſaid Mortgaged Premiſſes are charged with former and other Eſtates Grants and Leaſes made in time before your Orators ſaid Mortgage which the ſaid *R.* refuſeth to diſcover In tender conſideration whereof and foraſmuch as your

Orator

Orator is remedileſs in the Premiſſes elſewhere than in a courſe of Equity before your Lordſhip To the end therefore that the ſaid *R. C.* may true Anſwer make to all and ſingular the Premiſſes on her corporal Oath and ſet forth and diſcover whether the ſaid *J. C.* her Husband was not poſſeſſed of or intereſted in ſuch Leaſe from the ſaid Company of *P.* as aforeſaid and whether he did not make ſuch Mortgage thereof to your Orator as is before ſet forth and what Deeds Counterparts of Leaſes or other Writings ſhe hath any way touching or concerning the ſaid Mortgaged Premiſſes And that ſhe may diſcover what other Mortgages or Eſtates the Premiſſes are ſubject to and chargeable with how much is in arrear and unpaid to the ſaid Company of *P.* for the Rent of the ſaid Premiſſes And that the ſaid *R. C.* may be compelled by the Decree of this honourable Court to pay unto your Orator the Principal Mortgage money aforeſaid and the Intereſt for the ſame and his Coſts and Charges of this Suit by a time to be for that purpoſe prefixed by this honourable Court or in default of payment at ſuch time and place as this Court ſhall direct that your Orator his Executors Adminiſtrators and Aſſigns may hold and enjoy the ſaid Mortgaged Premiſſes during the remainder of the ſaid term of fifty ſeven years free and clear of all right and equity of Redemption of the ſaid *R. C.* or any claiming by from or under her or the ſaid *J. C.* her Husband And that the ſaid *R. C.*

may

may deliver to your Orator the Deeds and Writings which any way concern the ſaid Premiſſes and releaſe the ſaid proviſoe or Condition in the ſaid Mortgage to your Orator And that your Orator may be relieved in all and ſingular the Premiſſes according to Equity and good Conſcience May it pleaſe your good Lordſhip to grant unto your Orator his Majeſties moſt gratious Writ of *Subpœna* iſſuing out of the High Court of Chancery to be directed to the ſaid *R. C. &c.* thereby commanding them and either of them at a certain day and under a certain pein therein to be limited perſonally to be and appear before your Lordſhip in the ſaid honourable Court of Chancery then and there to anſwer all and ſingular the Premiſſes and farther to ſtand to and abide ſuch farther Order and Decree therein as to your Lordſhip in your moſt grave Wiſedom ſhall ſeem moſt agreeable to Equity and good Conſcience.
And your Orator ſhall pray, *&c.*

A Bill by the Husband of the Defendants Daughter for a Marriage Portion and Money left by way of Legacy to the Plaintiffs Wife remaining in the Defendants Hands.

To the Right Honourable, *&c.*

Complaining ſhew unto your Lordſhip your Orator *D. M.* of *S.* in the County of *S.* and *T. M.* his onely Son and Heir apparent being an Infant within the Age of twenty one years by the ſaid *D. M.* his Father as his next Friend and Guardian That whereas one *W. P.* the elder of *B. S.* in the County of *S.* Maltſter being a man of a very great Eſtate both real and perſonal and having one onely Daughter whom as he often pretended he would greatly prefer in marriage frequently declared and gave out in ſpeeches that he would give with his ſaid Daughter a portion of eight or ten thouſand pounds after which Speeches and Declaration of the ſaid *W. P.* your Orator *D.* having ſome intimation thereof propoſed a Marriage between your Orator *T.* and the Daughter of the ſaid *W. P.* and after that had a Meeting with the ſaid *W. P.* and his Kinſman they coming to your ſaid Orators Houſe and began to treat with him about the ſaid Marriage between your Orator *T.* Son of your Orator *D.* and his the ſaid *P.*'s Daughter whereunto the ſaid *W. P.* willingly hearkned and deſired to know of your Orator *D.* what Eſtate he had whereupon

upon your ſaid Orator *D.* did freely and truly lay open and diſcover his Eſtate namely ſeveral Meſſuages and Tenements in *D. P.* of the yearly value of *&c.* three hundred and fifty pounds *per an.* in Land at *R.* within the ſaid County of *S.* and one hundred and twenty pounds *per annum* more in Land being the Seat where your Orator lives beſides conſiderable ſumms of Money upon which Diſcovery the ſaid *W. P.* ſeemed very well ſatisfied and ſaid it was a very good Eſtate eſpecially whenas your Orator *D.* had farther declared to him that your ſaid Orator had entred his ſaid Son your Orator *T.* a ſtudent in the Middle Temple and furniſhed him with a very good Chamber there and intended to bring him up in the ſtudy of the Laws and fit him for the profeſſion thereof And therefore your Orator *D.* told him the ſaid *B.* That he expected that he the ſaid *W. P.* ſhould give a very conſiderable portion with his Daughter and demanded four or five thouſand pounds down declaring farther that he your ſaid Orator *D.* intended to ſettle upon them if the Marriage proceded at preſent the ſaid Houſe and Land he lived in called *S.* as alſo the ſaid four or five thouſand pounds that he would give with his ſaid Daughter and for the future being his onely Son and having no more Children he was like to have all the reſt of his Eſtate beſides what was like farther to accrue to him from your ſaid Orators Wife his Mother which was

very considerable All which the said *W. P.* seemed very well to approve and onely desired some time to consider what portion or summ of Money in certain he would give with his said Daughter But before the said *W. P.* and your Orator parted he the said *P.* declared to him your said Orator *D.* or his Wife in the presence of his said Kinsman and others that nothing on his part should hinder the Match and that he would send his Resolution to your Orator *D.* in a very short time but failing in his promise your Orator *D.* sent a Servant to him to quicken him in his Answer who returned with a fair promise from him the said *W. P.* That being now freed from some extraordinary business he would speedily send his full Resolution which he hoped would be to your Orators Content But your Orator *D.* not hearing from him accordingly resolved to send and did send your Orator *T.* his Son with a Servant to wait on him to require his full resolution and positive Answer what portion he would give with his said Daughter and when your Orator *T.* came to the said *W. P.*'s House he found all the kindness and inviting Entertainment Imaginable onely the said *P.* could not be drawn positively to ascertain the portion but still held your said Orator *T.* in hand that that should make no breach between them and that your said Orator if the Match were once completed should soon find him a better Father than he could

expect

expect intimating withall that your ſaid Orator *T.* being now there the buſineſs might be diſpatcht with much conveniency But your Orator ſeeming as in truth he was very unwilling to proceed in the ſaid marriage without his ſaid Fathers Conſent or knowledge and before all matters were ſettled and agreed upon plainly told the ſaid *W. P.* he durſt not ſo far adventure his Fathers Diſpleaſure eſpecially before the portion ſhould be aſcertained which your ſaid Orator earneſtly preſſed him to doe Whereupon the ſaid *W. P.* ſeeing no other remedy called a Neighbour of his and ſpeaks to your ſaid Orator Sir (pointing to his Neighbour) here is as honeſt a man as any is in *England* and farther ſaid to his ſaid Neighbour (calling him Brother) pray ſtay you know there was here within this hour Mr. *P.* which is a very good Gentleman of 800 *l. per annum* that came to my Daughter and would marry her but turning to your ſaid Orator *T.* told him if he would now forthwith marry his ſaid Daughter he the ſaid *P.* upon the ſaid Marriage would give him 4000 *l.* however your ſaid Orator fearing his ſaid Fathers Diſpleaſure who had ſent him onely to treat and not to complete the buſineſs without his knowledge was altogether unwilling to agree to a preſent Marriage inſomuch as your Orators Servant taking notice how his Maſter's Son was like to be enſnared began to interpoſe on his behalf but was ſoon threatned for his med-

dling to be kickt out of doors by the ſaid *P.* ſo as your Orator reſolved not to conſent to ſo ſhamefull a ſurpriſal untill he was provoked thereto by the ſaid *W. P.* his repeated Promiſes to be better than his word And that he would interpoſe betwixt your ſaid Orator and his ſaid Fathers Diſpleaſure and being thus unwarily over-reached without putting any Agreement into writing and not doubting the ſaid *W. P.* would have at all receded from his ſaid Promiſe of 4000 *l.* ſo publickly made but would rather have been better than his word the very next day after upon the importunity of the ſaid *W. P.* and his Relations and Friends there preſent unadviſedly married his ſaid Daughter expecting to have found him better than his word as he ſaid he would be Now ſo it is may it pleaſe your Lordſhip that the ſaid Marriage having been thus craftily and ſurreptitiouſly obtained and your Orator in truth thus overreached and abuſed the ſaid *W. P.* notwithſtanding his former Inſinuations Pretences and Promiſes aforeſaid though they have been married above twelve Months now in plain terms refuſeth to give any portion with his Daughter ſometimes pretending he never promiſed to give 4000 *l.* with her and ſometimes giving out in Speeches that the ſaid Promiſe not having been put in writing it will not in any wiſe oblige him Whereas in truth your Orator doubts not but to prove to this Honourable Court that he made ſuch

pro-

promiſe in particular and the better to induce your Orator *T.* to the ſaid Marriage pretended he would be much better than his word and would prove a better Father-in-Law to him than he expected In ſo much that it plainly appears the Intention of the ſaid *B.* from the beginning was to put off his Daughter without a portion and to take advantage of your Orators youth and unwarineſs and this the rather appears to be ſo for that he the ſaid *W. P.* doth not onely detain from your Orator the ſaid promiſed portion and every part thereof but refuſeth alſo to pay ſeveral Legacies given to his ſaid Daughter by ſeveral Friends In particular the ſumm of 200 *l.* in money given her by *A.* or ſome near Kinſwoman and all her Houſhold Goods and Linen to the value of 200 *l.* more which he the ſaid *W. P.* hath received and enjoyed theſe ten years and yet refuſeth to pay or deliver to your ſaid Orator ſince his Marriage as aforeſaid or to let your Orator know what Goods or Linen were ſo given All which practices and Dealings of the ſaid *W. P.* are contrary to all Equity and good Conſcience In tender conſideration whereof and for that your Orators are remedileſs in the premiſſes according to the ſtrict rules of the Common Laws of this Kingdom and are properly to be relieved herein as a matter of fraud and apparent breach of Faith and Truſt And to the end that the ſaid *W. P.* may upon his oath ſet forth and diſcover the truth of

all and ſingular the Premiſſes and in particular whether there there were not a treaty at the houſe of your ſaid Orator *D.* concerning a Marriage between your Orator *T.* and the Daughter of the ſaid *W. P.* and whether he the ſaid *W.* were not made acquainted with the Eſtate of your Orator *D.* and whether he did not approve thereof and declare that he would further the ſaid Marriage what he could or be at leaſt no hindrance thereof and whether he did not promiſe ſpeedily to reſolve what portion he would give with his ſaid Daughter in marriage with your Orator *T.* And whether he the ſaid *W. P.* did not promiſe your Orator *T.* in caſe he would marry his ſaid Daughter a portion or ſumm of four or five thouſand pounds when where and upon what occaſion or Diſcourſe and in whoſe preſence he made ſuch promiſe and whether he did not inſtigate or perſuade your ſaid Orator *T.* to marry his ſaid Daughter and what Arguments he uſed to induce your ſaid Orator *T.* thereunto And whether he were not told by your Orators Servant that it was not fit his Maſter ſhould marry untill things were better ſettled between them And whether the ſaid *P.* did not threaten to kick the ſaid Servant out of doors and why and upon what occaſion And ſeeing he your ſaid Orator *T.* hath now married her he the ſaid *W. P.* may ſhew cauſe if he can why he doth not perform his ſaid Promiſe and pay the ſaid promiſed Portion as alſo why he doth not pay the ſaid

Legacy

Legacy of 200*l.* beſies the ſaid Goods and what Money or Goods or Linen in particular he hath in his hands belonging to her or what were given her as aforeſaid and to what value And may ſet forth in particular what Legacies have been given to his ſaid Daughter or received by him for her and the particulars of them ſo as your Orator may be fully releived in the Premiſſes according to Equity and good Conſcience your Orator *D.* being ready and willing to ſettle ſuch Jointure upon his ſaid Son's Wife although he were ſurpriſed in the ſaid Marriage as this honourable Court ſhall think reaſonable in that behalf upon payment of the Portion promiſed upon the ſaid Marriage as aforeſaid May it therefore pleaſe your Lordſhip to grant unto your Orators his Majeſties gratious Writ of *Subpœna* iſſuing out of the High Court of Chancery to be directed unto the ſaid *W. P.* thereby commanding him at a certain day and under a certain pain therein to be limited to appear perſonally in this Honourable Court to anſwer all and ſingular the Premiſſes And to ſtand to and abide ſuch farther Order and Direction therein as to your Lordſhip ſhall ſeem moſt to ſtand with Equity and good Conſcience And your Orators ſhall ever pray, *&c.*

A Bill

A Bill to be relieved against an Attachment in London.

To the right honourable *&c.*

Humbly complaining ſheweth unto your Lordſhip your Orator Sir *R. B.* of *N.* in the County of *S.* Baronet That *J. K.* late of *&c.* in the ſaid County Yeoman having been Tenant to your ſaid Orator for divers years of a certain Farm which he held of your ſaid Orator did thereby become really indebted to your ſaid Orator in the ſum of one hundred pounds and having not money in his own hands to pay the ſaid Debt of one hundred pounds or any conſiderable part thereof did propoſe to your Orator that towards ſatisfaction of the ſaid Money he would make an Aſſignment to your Orator of a Debt of eighty two pounds due to him from one *J. S.* of *T.* in the ſaid County And the better to make your Orator believe that he ſhould certainly have received the ſaid eighty two pounds or ſome ſuch ſum he the ſaid *K.* wrote ſeveral Letters to the ſaid *S.* and was very earneſt and importunate with him to pay the ſaid Eighty two pounds or other ſum then in his hands to your Orator and made an actual Aſſignment thereof to your ſaid Orator And upon divers diſcourſes between your ſaid Orator and the ſaid *S.* he the ſaid *S.* acknowledged himſelf to be really and *bona fide* indebted to the ſaid *K.* in the ſaid ſum of eighty

two

two pounds and faithfully promiſed to make payment thereof to your ſaid Orator or his order and to no other perſon whatſoever By which ſeemingly fair propoſals diſcourſe and promiſes your Orator was for the preſent well ſatisfied and promiſed not to diſturb or arreſt the ſaid *K.* not doubting in the leaſt but he might have received the ſaid eighty two pounds according to the promiſſes and arguments of the ſaid *K.* and *S.* whenever he ſhould have demanded the ſame But now ſo it is may it pleaſe your good Lordſhip that the ſaid *K.* and *S.* confederating together with *O. T.* an Attorney of his Majeſties Court of Common Pleas at *Weſtminſter* have endeavoured to defraud your Orator of the ſaid eighty two pounds ſo aſſigned to him as aforeſaid And to that end the ſaid Confederates do at ſome times pretend that the ſaid *K.* was Debtor to the ſaid *T.* in the like Summ of eighty two pounds And that he the ſaid *T.* whilſt the ſaid *S.* was in *London* having intimation that the ſaid *S.* had of his the ſaid *K.* his proper Money the ſaid Summ of eighty two pounds did by virtue of an Attachment out of the ſaid City duly iſſued cauſe the ſaid Money to be attached in the hands of the ſaid *S.* and had thereupon duly recovered the ſame and at other times pretend that the ſaid *K.* had releaſed the ſaid Debt of eighty two pounds to the ſaid *S.* before there was any Aſſignment made thereof to your Orator and ſo would make the ſaid Aſſignment of none effect whereas

as they well know that the ſaid *K.* never was indebted to the ſaid *T.* in any other than a ſmall and inconſiderable ſumm for Law Charges which the ſaid *T.* might demand for the commencement of a Suit in the name and on the Account of the ſaid *K.* which being never brought to a Tryal the ſaid *T.* his Fees and juſt Demands muſt be very ſmall and inconſiderable however the ſame or any other the Demands of the ſaid *T.* ought not to be paid out of the ſaid eighty two pounds the ſame being ſo aſſigned as aforeſaid whereby and by the promiſe of the ſaid *S.* to pay the Money as aforeſaid to your Orator or otherwiſe the property of the ſaid Debt was altered and your Orator became rightfully entituled to the ſaid Money before any Attachment did or legally could iſſue And the awarding of the ſaid Attachment and all the proceedings thereon as alſo the bringing the ſaid Money to *L.* and making it liable to an Attachment were all done by practice and contrivance amongſt the ſaid Conſederates on purpoſe to defraud your Orator of his juſt Debt and after they had full notice and aſſurance that the ſaid eighty two pounds was aſſigned to your Orator and juſtly due to him as aforeſaid And if the ſaid *S.* and *T.* have obtained a Releaſe from the ſaid *K.* the ſame was fraudulently gained and there was none or but a very inconſiderable Summ paid as the conſideration for the obtaining thereof and purpoſely given to diſable your Orator from

recovering the ſaid Money which at the obtaining the ſaid Releaſe they well knew or had been credibly informed did rightfully belong to your ſaid Orator as aforeſaid And the ſaid *T.* did give or promiſe to give ſome Bond or other Security to the ſaid *S.* againſt your Orators juſt demands before the ſaid *S.* would be prevailed with either to procure the ſaid Money to be brought to *London* or to pay any part thereof to him That the ſaid Confederates well know that after any Debt or juſt Demand that they can make from or out of the ſaid eighty two pounds be fully paid and ſatisfied the ſumm of ſixty pounds or ſome other conſiderable part thereof will remain undiſpoſed of And that the ſame is undoubtedly your Orators Money Yet nevertheleſs they the ſaid Confederates refuſe to come to any Accompt or make any manner of Satisfaction to your ſaid Orator of or for the ſaid eighty two pounds or any part thereof All which doings of the ſaid Confederates are contrary to Equity and good Conſcience In tender conſideration whereof and foraſmuch as the ſaid *J.K.* is now become inſolvent and your Orator is wholly remedileſs in the Premiſſes ſave by the favourable aid and aſſiſtance of this honourable Court his Witneſſes that ſhould prove the truth thereof being either dead gone beyond the Seas or into places remote and to your Orator unknown or ſo aged or infirm that he can have no benefit of their Teſtimony at any Trial

at

at Law To the end therefore that the said *O. T.* *J. K.* and *J. S.* may upon their corporal Oaths as fully and distinctly answer all and singular the Matters and Allegations aforesaid as if the same were again repeated and particularly interrogated And more particularly that the said *O. T.* may set forth when how on what account and in what summ or Summs of Money the said *J. K.* became indebted to him and when and by what means he recovered the said eighty two pounds or any and what part thereof out of the hands of the said *J. S.* And that he and the said *S.* may also set forth, and discover when and by whom the said eighty two pounds or any and what part thereof was brought to *London* And whether the same was not so brought on purpose to subject or make the same liable to a City Attachment and to wrong and injure your Orator after they or either and which of them had notice that the same was assigned to your Orator and become his proper money as aforesaid or how otherwise the same became liable to the said Attachment and what proceedings were had thereon And that they may also set forth whether they or either and which of them ever had and obtained and when and for what consideration a Release or Discharge from the said *K.* for the said eighty two pounds or other summ or any and what part thereof and when the same bears date and in whose presence the same was executed and who were Witnesses thereto and

more

more particularly what ſumm was paid to the ſaid *K.* at his giving the ſaid Releaſe and when and by whom and how much of the ſaid eighty two pounds (after their pretended Demands are ſatisfied) is ſtill remaining undiſpoſed of And may ſhew cauſe if any they can why your Orator ſhould not have the ſame as alſo what they have already received out of the ſaid eighty two pounds And that the ſaid *S.* may ſet forth whether he was not at any time and when indebted to the ſaid *K.* in the ſumm of eighty two pounds or any and what other ſumm or ſumms of money and how And whether he hath not ſeveral times and how often and when where and in whoſe preſence declared or by writing or otherwiſe and how promiſed to pay the ſaid eighty two pounds or other ſumm which he owed the ſaid *K.* or any and what part thereof to your Orator or his order or to any ſuch purpoſe and effect And upon the whole matter that your Orator may be relieved according to Equity and good Conſcience May it pleaſe your Lordſhip to grant unto your Orator his Majeſties moſt gratious Writ of *Subpœna* directed to the ſaid *O. T. J. S.* and *J. K.* thereby commanding them, *&c.*

P. V.

A Bill

A Bill to be relieved againſt a Bond taken of the Plaintiff by a Bailiff by way of Diſtreſs, *&c.*

To the right honourable, *&c.*

Humbly complaining ſheweth unto your Lordſhip your Orator *W. R.* of *H.* in the County of *L.* Yeoman That whereas *F. C.* Widow who departed this Life about *&c.* did by her laſt Will and Teſtament conſtitute and appoint your Orator and one *E. C.* Guardians of her Children *E. C.* and *A. C.* during their minority And the ſaid *E. C.* who was alſo appointed one of the Guardians of the ſaid Children did take upon him to diſpoſe of the perſonal Eſtate of the ſaid *F.* whereof ſhe died poſſeſſed and your Orator did buy ſome of her Goods to the value of eight pounds and no more And ſhortly after the death of the ſaid *F. C.* one *W. A.* deſigning to get the ſaid perſonal Eſtate belonging to the ſaid Children into his hands did pretend that the right of Adminiſtration of the perſonal Eſtate of the ſaid *F.* did belong to him and that he ought to have the ſame granted unto him and thereupon a Suit did ariſe in the Eccleſiaſtical Court in which for and on the behalf of the ſaid Children your Orator did expend fourteen pounds or thereabouts in the defence of the ſaid Children and their Eſtate given them by their ſaid Mother But ſo it is may it pleaſe your Lordſhip That

when your Orator had expended such monies as aforesaid yet the said *E. C.* and *A. C.* the Children of the said *F. G.* combining and confederating themselves with one *C. B.* a Sheriffs Bailiff of the Hundred of *E.* in the County of *L.* how to wrest and extort a summ of Money from your Orator he the said *C. B.* did cause your Orator to be arrested at the Suit of them the said Confederates or some of them upon a Writ or Action for a great summ of Money well knowing that your Orator could not procure Bail to such Action although in truth your Orator was no ways indebted to them or any of them and when your Orator was in custody they would not accept of a Warrant of Attorney for an appearance but threatned that they would keep your Orator in Gaol unless he would give a Bond of twenty pounds penalty or some other penalty with Condition for payment of such Summ as they or some of them pleased to insert therein which your Orator remembers not and they or some of them prepared such Bond and threatned that your Orator should never get out of Prison if he did not seal such Bond to the said Confederates or some of them And thereupon your Orator was forced and compelled for the gaining of his liberty to seal and did by *Dures* seal to them or some of them such Bond But the said *C. B.* did on the sealing thereof promise and agree to and with your Orator that your Orator should be satisfied and allowed what

he had paid and expended in the said Suit as aforesaid But now so it is may it please your Lordship That instead of making any allowance to your Orator in respect of such disbursements as aforesaid they the said Confederates do pretend and threaten that they will sue your Orator on the said Bond and will recover the penalty thereof against your Orator although they well know that such Bond was obtained by the means and practices aforesaid and without any real or valuable consideration and that your Orator is not indebted any thing to them or any of them but there is a considerable Summ of money coming and owing to your Orator upon account of his said Disbursements But the said Confederates do design to vex and oppress your Orator by and under colour of the said Bond and they refuse to allow or make your Orator any satisfaction for or in respect of his said Disbursements All which Doings of the said Confederates are very unjust and tend to the great wrong and injury of your Orator In tender consideration whereof and for that your Orator is remediless in the Premisses at and by the strict rules of the Common Law of this Realm and can have no relief therein but onely in Equity in this Honourable Court before your Lordship And for that your Orators witnesses who can prove the truth of the Premisses are either dead or gone into parts remote and beyond the Seas To the end therefore that the said Confederates

rates and every of them may ſet forth for what Cauſe your Orator was arreſted and for and upon what conſideration the ſaid Bond was given and to whom and what is the Date Penalty and Condition thereof And whether the ſaid *C. B.* did promiſe and agree that your Orator ſhould be ſatisfied his ſaid Expences and Diſburſements or to that effect And that the ſaid Confederates may true and perfect Anſwer make to all and ſingular the Premiſſes and your Orator be relieved therein according to Juſtice and Equity May it pleaſe your Lordſhip *&c.*

Pray Proceſs againſt *C. B.* & *E. C.* and *A. C.* Children of *F. C.*

A Bill by a Vintner to be relieved againſt the unjuſt Practices of ſeveral Merchants who have unduly obtained ſeveral Judgments and other ſecurities againſt him.

To the Right Honourable *&c.*

Humbly complaining ſheweth unto your Lordſhip your Orator *T. D.* of *J.* in the County of *S.* Vintner That your Orator having for divers years laſt paſt uſed the Trade of a Vintner and kept a Tavern in the ſaid Town of *J.* and during that time having occaſion to provide and furniſh himſelf with ſeveral parcels of Wine He did buy divers quantities of Wine of *R. P.* of *J.* aforeſaid Merchant and alſo of *H. C.* and of *J. M.* and *S. C.* all of the ſame Town being perſons that deal

and trade in the ſelling of Wines And there are ſeveral Accounts between your Orator and the ſaid Perſons touching the ſaid Trade your Orator hath of late had with them ſeverally and reſpectively And your Orator ſheweth unto your Lordſhip that about a year ſince he happened to have a fall from his Horſe whereby he received a great hurt in his head and by reaſon thereof he hath ſince been much diſabled in his underſtanding and memory and very unfit to ſettle his Accounts or manage his Affairs Nevertheleſs your Orator truſting to the Integrity and Friendſhip of the perſons aforeſaid and not in the leaſt ſuſpecting that they would take any advantage of his weakneſs and infirmity occaſioned as aforeſaid was lately prevailed upon to make and enter into ſeveral Bonds Bills or ſecurities to the perſons aforeſaid and to acknowledge or to give ſome Warrant or Warrants of Attorney for the acknowledging of ſome Judgment or Judgments in debt to the ſaid Perſons ſome or one of them They having promiſed to your Orator that there ſhould be no uſe made of ſuch Bonds Judgments or Securities to the prejudice of your Orator at leaſt that the ſame or any of them ſhould not be farther inſiſted upon them onely for ſo much money as ſhould appear to be juſtly due to them reſpectively from your Orator and that no advantage ſhould be taken of the ſaid Securities or any of them till a fair and juſt account were made out and ſtated between them

and

and your Orator in caſe he ſhould recover his underſtanding and Memory and be capable of tranſacting his Affairs or otherwiſe with ſuch perſon as ſhould be imploied or intruſted with the Care of his concerns But your Orator ſheweth that the ſaid *R. P. J. M. S. C.* and *H. C.* not regarding their promiſes and the truſt repoſed in them by your Orator but combining and confederating together to turn your Orator out of his real and perſonal Eſtate and to ſhare the ſame amongſt themſelves Have executed or do threaten to take out Execution upon ſuch Judgment or Judgments and to ſet on foot ſuch Security and Securities and to proſecute Actions againſt your Orator thereupon Whereas upon a juſt and fair account if your Orator could obtain it to be made between them and your Orator it would appear your Orator is very little indebted to them or any of them if at all indebted And particularly your Orator ſheweth that the ſaid *J. M.* as he pretends procured your Orator to confeſs a Judgment to him in two hundred pounds Debt or ſome ſuch great ſumm in his Majeſties Court of Common Pleas at *Weſtminſter* in *Mich.* Term laſt or ſome other Term upon which the ſaid *J. M.* did ſometime in *Eaſter* Term laſt or very lately take out an Execution upon the ſaid Judgment and levied the whole Debt recovered upon your Orator his Goods and Chattels taking the Wines out of his Cellar and the furniture out of his Houſe to a great va-

lue to the utter undoing of your Orator and disabling of him to proceed in his said Trade whereas your Orator as the said *M.* very well knows hath paid all or the greatest part of the money due upon the said Judgment before the Execution taken out thereupon And whereas the said Judgment was given to secure the said *M.* in some obligation wherein he stood bound with your Orator and your Orator hath long since discharged the said Bond and the said *M.* hath been saved harmless therein And the said *R. P. S. C.* and *H. C.* do severally pretend that your Orator is much indebted to them and they give out in Speeches that they have lately obtained from your Orator several Warrants of Attorney to confess some Judgment or Judgments to them which Judgments they either have entred or will shortly cause to be entred and do threaten to take out Execution thereupon And moreover it is pretended by the said Confederates that they have some Lease Mortgage or Security made by your Orator to them some or one of them of certain Messuages Lands and Tenements in the County of *S.* of the yearly value of 100 pounds or thereabouts whereof your Orator is seized in right of *M.* his Wife which they threaten to take advantage of and to turn your Orator out of possession of the said Estate whereas all such Judgments Mortgages and Securities were obtained by the said Confederates during your Orator his weakness and after that he had con-

contracted a crazing in his Head by the fall from his Horſe as aforeſaid and were procured by and upon ſome fair Pretences Inſinuations and Promiſes of the ſaid Confederates that no Advantage ſhould be taken thereof to your Orator his Prejudice Nevertheleſs they the ſaid Confederates having been lately requeſted by your Orator or ſome other perſon employed to aſſiſt him in his buſineſs in his behalf have requeſted them to diſcover what Securities they or any of them have obtained from your Orator and to come to an Account with your Orator touching the Debts pretended to be reſpectively due to them they refuſe to make ſuch Diſcovery or to come to any Accompt but do threaten to proſecute your Orator upon the Judgments and Securities they have obtained as aforeſaid and to take advantage of them with utmoſt rigour and extremity which dealings of the ſaid Confederates are againſt all equity and good Conſcience and tend to the utter Ruine of your Orator And foraſmuch as your Orator is not relievable in the Premiſes by the Common Law and for that your Orator having been by the Accident aforeſaid much impaired in his Memory and Underſtanding that he cannot call to mind the particular Natures Import or Conſiderations of the ſeveral Securities obtained from him as aforeſaid nor can otherwiſe come to the knowledge of them than by the Confeſſion and Diſcovery of the ſaid Confederates nor can make appear what

ſumms of money have been paid them for and towards ſatisfaction of their reſpective Debts for that your Orator his Witneſſes that could prove the ſame are either dead or in places remote beyond the Seas and unknown to your Orator nor can your Orator be relieved againſt the Penalties and Forfeitures that there may have been incurred in and upon ſuch Securities nor can compell the ſaid Confederates to acknowledge ſatisfaction upon the Judgment or Judgments they may have obtained againſt your Orator or to deliver up their ſeveral Securities in caſe they ſhould appear to have been gained by Practice and Circumvention or in Caſe all the Money due thereupon has been paid and ſatisfied But your Orator is properly and onely relievable in the matters before ſet forth in a courſe of Equity in this Honourable Court To the end therefore that the ſaid *R P. J. M. H. C.* and *S. C.* may anſwer and ſet forth what Obligations Bonds Bills Judgments Mortgages or Securities for Money they or any of them and which of them at any time and when and where have procured recovered or obtained from your Orator And that they may ſet forth the ſeveral Dates Natures and Contents of ſuch Securities and the Names and Places of abode of the reſpective Witneſſes to ſuch Securities and for what conſiderations they have been obtained And whether they did not take notice that your Orator was much diſabled in his Memory and Underſtanding by

a hurt

a hurt from off his Horſe or otherwiſe at the time of his giving or entring into ſuch Securities or ſome of them and which of them and whether they did then judge him capable of tranſacting his Affairs or ſetling any Account And that they may ſet forth what pretences or promiſes they made or uſed to your Orator to induce him to give or enter into ſuch Securities And that they may ſet forth how much your Orator hath been indebted to them reſpectively ſince he traded with them and for what in particular and the ſeveral times when ſuch Debt or Debts grew or were contracted And that they may ſet forth what ſumms of money or other ſatisfaction they have had and received from your Orator or his Wife or any one elſe in his behalf for and towards payment of their reſpective Debts and at what times had and received And particularly that the ſaid *J. M.* may ſet forth what Money or other ſatisfaction he had and received towards the ſaid Judgment of two hundred pounds before he took out execution thereupon And may ſet forth for what Debt or Conſideration the ſaid Judgment was acknowledged and how much was juſtly due to him upon the ſaid Judgment when he took out execution thereupon and what Goods of your Orators and to what value have been taken in execution upon the ſaid Judgment and how and to whom have ſuch Goods been diſpoſed of And how much Money hath been levied upon ſuch Execution

And

And that the ſaid *R. P. J. M. S. C.* and *H. C.* may come to an Account with your Orator and may ſet forth how much Money is ſeverally and reſpectively due to them and how it grew due and may true perfect and diſtinct Anſwer make to all and ſingular the Premiſſes And that your Orator may have ſpeedy relief herein according to all Equity and good Conſcience May it pleaſe your good Lordſhip to grant unto your Orator his Majeſties moſt gratious Writ of *Subpœna* iſſuing out of the High Court of Chancery to be directed to the ſaid *R. P. &c.* thereby commanding them and every of them at a certain day and under a certain pein therein to be limited perſonally to be and appear before your Lordſhip in the ſaid honourable Court of Chancery then and there to anſwer all and ſingular the Premiſſes and farther to ſtand to and abide ſuch farther Order and Decree therein as to your Lordſhip in your moſt grave Wiſedom ſhall ſeem moſt agreeable to Equity and good Conſcience. And your Orator ſhall pray, *&c.*

A Bill

A Bill brought againſt one who entred by Abatement *into certain Lands deſcendible to the Plaintiff in the life time of the Plaintiffs Father to diſcover what Title the Defendant claims to the Premiſſes and to bring what Writings he hath which concern the ſame into Court.*

To the Right Honourable the Lords Commiſſioners for the keeping of the great Seal of *England*.

Complaining ſheweth unto your Lordſhips your daily Orator *W. A.* of *E. A.* in the County of *T.* That whereas *J. A.* your Orators Father was heretofore ſeized in his Demeaſne as of Fee or ſome other Eſtate of Inheritance of and in a Meſſuage or Tenement with divers Lands and Grounds therewith uſually enjoyed ſituate and being in the Pariſh of *M.* in the County of *C.* of the yearly value of *&c.* And the ſaid *J. A.* being ſo ſeized about twelve years ſince died ſo thereof ſeized After whoſe death the Premiſſes deſcended to your Orator as eldeſt Son and Heir of his ſaid Father and by reaſon thereof your Orator ought to have enjoyed the ſame But your Orator ſheweth that at the time of his ſaid Fathers death he being abroad in Service in places far diſtant from the Premiſſes one *W. W.* alias *A.* without pretence of Title entred into the ſaid Meſſuage and Premiſſes by *Abatement* and by that means got into

into his hands and poſſeſſion all the Deeds and Evidences concerning the Premiſſes the ſame then remaining in the ſaid Dwelling Houſe And having ſo got into poſſeſſion thereof hath contrived divers ſecret Eſtates thereof and hath ever ſince wrongfully detained the poſſeſſion of the ſame from your Orator and by reaſon of the late Wars (but lately ended in thoſe parts) your Orator could not get relief therein albeit he from time to time made his Claim thereunto and hath often requeſted the ſaid *W. W.* alias *A.* to ſuffer your Orator to have the poſſeſſion thereof and to recompence your Orator for the mean profits of the Premiſſes and to deliver him his Evidences or to ſhew by what Right or Title he held or claimed the ſame All which the ſaid *W. W.* alias *A.* hath hitherto refuſed and as yet alſo doth refuſe to doe In tender conſideration whereof and for that your Orator knoweth not the certain number or dates of the ſaid Evidences and therefore hath no means at the Common Law to recover the ſame And for that without his ſaid Evidences he cannot maintain any Suit at Law for recovery of the ſaid Meſſuage and Premiſſes and the mean Profits thereof And to the end that the ſaid *W. W.* alias *A.* may upon Oath ſet forth by what Pretence he holdeth the Premiſſes and by what Conveyance and upon what Conſideration and likewiſe what Eſtates he or any by his privity have contrived of the Premiſſes and

to

to whom May it therefore pleaſe your Honours to relieve your Orator in Equity herein and to grant unto your Orator not onely a Writ of *Subpœna* to be directed to the ſaid *W. W.* alias *A.* commanding him thereby at a certain day and under a certain pain therein to be limited perſonally to appear before your Honours in the High Court of Chancery then and there to anſwer to all and every the Premiſſes directly upon his Corporal Oath and to ſet forth by what Right or Title he claimeth the Premiſſes and from whom and for and upon what conſideration And what Eſtate or Eſtates he hath made or is privy to the making of touching the Premiſſes But alſo a Writ of *Duces tecum* to be directed to the ſaid *W. W.* alias *A.* commanding him thereby forthwith to bring and deliver into this Honourable Court All the Deeds Writings and Evidences concerning the Premiſſes there to remain untill your Honours ſhall have the hearing and determining thereof And farther to ſtand to and abide ſuch farther Order *&c.*

W. Belt.

Pleas,

Pleas, Anſwers and Demurrers in Chancery.

A Plea to the Juriſdiction of the Court for the the Lands lie in the County Palatine of Cheſter *With an Anſwer confeſſing the Plaintiff's Father to be ſeized but that the Plaintiff's Mother was divorced for adultery and the Premiſſes were granted to the Defendant (the eldeſt Son living of the Plaintiff's Father by another Wife) by Feoffment for a valuable conſideration.*

The Plea and Anſwer of *W. A.* called by the Complainants Bill by the name of *W. W. alias A.* Defendant to the Bill of Complaint at the Suit of *W. A.* Complainant.

THE ſaid Defendant by proteſtation not confeſſing or acknowledging any the matters or things in and by the ſaid Bill of Complaint ſet forth and alleadged to be true ſaving that the Meſſuage or Tenement and other parcels of Land mentioned in the ſaid Bill concerning the Title whereof the ſaid Bill is exhibited into this honourable Court are ſcituate and do lie in the Pariſh of *M.* in the

the County of *C.* For Plea thereunto ſaith that the ſaid County of *C.* as this Defendant is informed is and hath been time out of mind of any to the contrary a County Palatine And that aſwell the ſaid Meſſuage and Premiſſes as all other Lands within the ſaid County Palatine or belonging thereunto and all Actions and Suits at Common Law or in Equity by reaſon of the Premiſſes or any parcel thereof have been or ought to have been impleaded by all the ſaid time and yet are impleadable in the Courts of the ſaid County Palatine before the Judges there for the time being within the ſaid County Palatine and not elſewhere And therefore humbly demands the Judgment of this honourable Court if this Court will hold Plea upon and inforce the Defendant to anſwer to the ſaid Bill exhibited as and for the Cauſe aforeſaid wherein the ſaid Defendant doth ſubmit to the order of this honourable Court And if the Defendant ſhall by Order of this honourable Court be compelled to make any other Anſwer to the ſaid Bill of Complaint then and not otherwiſe this Defendant having ſaved and reſerved to himſelf both now and at all times hereafter all advantage of Exceptions to the incertainty and inſufficiency of the ſaid Bill of Complaint For Anſwer thereunto this Defendant ſaith that the ſaid Meſſuage and other parcels of Land mentioned in the ſaid Bill are ſcituate and doe lie in the Townſhip of *C.* in the ſaid Pariſh of *M.* and County aforeſaid whereof this Defendant doth acknowledge

knowledge that the ſaid *J. A.* mentioned in the Bill was together with ſeveral other Lands and Tenements in the ſaid County in his life time ſeized of a good Eſtate of Inheritance in his Demeaſne as of Fee to him and to his Heirs in Fee ſimple as is ſet forth in the Bill But the Defendant doth deny that the ſaid *J. A.* did thereof die ſo ſeized or that the Premiſſes after his ſaid death did deſcend to the Complainant or that he ought to have enjoyed the ſame as is pretended by the Complainant in the ſaid Bill For the ſaid Defendant ſaith that the ſaid *J. A.* being ſeized of the ſaid Meſſuage and Premiſſes as aforeſaid in his Demeaſne as of Fee and vehemently ſuſpecting and upon probable grounds believing that the Complainant (who notwithſtanding he pretends himſelf to be Son and Heir unto the ſaid *J. A.* yet in regard the Complainant's Mother did ſeveral times depart from the ſaid *J. A.* her Husband and live in Adultry with divers other perſons for which ſhe was afterwards divorced from the ſaid *J. A.*) was not the begotten Son of the ſaid *J. A.* And bearing a more ſpecial affection to the Defendant who is the eldeſt Son living unto the ſaid *J. A.* by another Wife In conſideration thereof and of the ſum of three hundred pounds paid by the Defendant unto the ſaid *J. A.* by his Deed of Feoffment under his Hand and Seal bearing date the ſixteenth day of *Sept.* in the year of our Lord God one thouſand ſix hundred twenty and three duly executed by Li-

very

very and Seizin the same day in the presence of Mr. Justice *W.* and many other credible Witnesses the said *J. A.* did convey and assure the said Messuage and Premisses together with other parcels of Land contained in the said Deed unto the Defendant and to his Heirs and Assigns for ever To the onely use of the said Defendant and his Heirs and Assigns for ever As by the said Deed ready to be shewed to this honourable Court (to which for farther certainty herein the said Defendant doth refer himself) may more fully appear By force whereof the said Defendant the said sixteenth day of *Sept.* in the year aforesaid in the life time of the said *J. A.* and long before his said Death was of the said Messuage and Premisses seized in his Demeasne as of Fee and he and his Assigns have ever since hitherto by virtue thereof continued seized and have received the Profits thereof to their own use as he humbly conceives he and they might lawfully doe By reason whereof and by virtue of the said Deed of Feoffment wherein the same are specially granted unto this Defendant, this Defendant doth acknowledge he hath in his custody several Deeds Writings and Evidences concerning the Premisses which do of right belong unto him for the maintaining of his Title aforesaid And for that purpose he humbly conceives they ought to remain in his custody and not to be brought into this honourable Court unless the Complainant had a good Title thereunto

Nevertheless the said Defendant is willing to submit to what Order this honourable Court in justice shall make herein And the said Defendant doth deny that without pretence of Title he entred into the said Messuage and Premisses by abatement after the death of the said *J. A.* or that he wrongfully detained the possession thereof from the Complainant as is pretended by the Bill But doth acknowledge he doth refuse as he humbly conceives lawfully he may to accompt with the Complainant for the mean profits of the Premisses or to deliver unto him the Writings and Evidences aforesaid And this Defendant doth deny and traverse without that that any other matter or thing in the said Bill contained material to be answered and not herein confessed and avoided denyed or traversed is true All which matters this Defendant is ready to averr as this honourable Court shall award And this Defendant humbly prays to be hence dismist with his reasonable Costs and Charges in this behalf wrongfully and without cause sustained.

An Answer

An Anſwer and Diſclaimer.

The Anſwer of *S. T.* as to part and Plea and diſclaimer as to the other part of the Bill of *W. S.* and others Complainants.

The Defendant ſaving to himſelf all and all manner of advantage and benefit of Exception to the manifold imperfections incertainties and inſufficiencies of the Complainant's ſaid Bill of Complaint and the matters therein contained by way of Anſwer thereunto he ſaith that it may be true that *B. G.* in the Bill named did lend ſuch ſum of money to *F. R.* in the Bill alſo named and for ſecurity of repayment thereof had ſuch Deed by way of Mortgage made and granted to him as in the Bill is ſet forth and that the Complainants are well entituled to the benefit thereof but this Defendant of his own knowledge knoweth not nor ever did know of ſuch Mortgage made by the ſaid *F. R.* nor was in any wiſe concerned or acquainted with the dealings and tranſactions between the ſaid *F. R.* and the ſaid *B. G.* and denyeth all and all manner of Combinations and Confederacy with the ſaid *F. R.* in his life time or with the ſaid *J.* and *W. R.* his Brothers or any other perſon or perſons whatſoever And as to the reſidue of the ſaid Bill of Complaint this Defendant by proteſtation not confeſſing or acknowledging the ſame or any part thereof to be true in ſuch

ſort manner and form as the ſame are therei
and thereby ſet forth and alleadged as to on
Meſſuage or Tenement in the ſaid Bill menti
oned ſcituate lying and being in *R.* with
Yard and Garden thereunto belonging menti
oned in the tenure or occupation of *H.* or hi
Aſſigns and alſo as to one other Meſſuage o
Tenement lying and being in *R.* aforeſaid wit
a Yard and Garden thereunto belonging i
the ſaid Bill of Complaint mentioned to be i
the occupation of *B.* his Aſſignee or Aſſignee
For Plea he ſaith that he this Defendant is
Purchaſer of the ſaid two Meſſuages with th
Appurtenances and Premiſſes laſt before men
tioned for a valuable conſideration in mone
really and *bona fide* paid to the ſaid *F. R.* in hi
life time without notice of the Complainant
pretended Title in the Bill mentioned and tha
the ſaid *F. R.* hath by good ſufficient Convey
ances in the Law as this Def. is adviſed con
veyed the ſame to this Def. and his Heirs abſo
lutely without any manner of Condition Provi
ſo or Power of Redemption whatſoever A
which matters and things he this Defendan
is ready to aver and prove as this honourabl
Court ſhall award and humbly pleadeth th
ſame in Bar to ſo much of the Complainant
ſaid Bill of Complaint as this Defendant hath
not herein before anſwered And humbly pray
eth the judgment of this honourable Cour
whether he ought to ſet forth the dates an
contents of his Deeds of Purchaſe or the ef
fect thereof whereby to enable the Complai
nant

ants to inſpect this Defendant's Title to the ſaid purchaſed Premiſſes And as to all the reſt of the Meſſuages Lands and Tenements in the Complainant's ſaid Bill of Complaint mentioned other than what he this Defendant hath pleaded unto as aforeſaid he this Defendant diſclaimeth all Right or Title thereunto and knoweth nothing thereof Without that that any other matter or thing in the ſaid Bill of Complaint contained material or effectual for this Defendant to make Anſwer unto and not herein and hereby well and ſufficiently anſwered unto confeſſed or avoided traverſed or denied is true All which matters and things this Defendant is ready to averr maintain and prove as this honourable Court ſhall award and prayeth to be hence diſmiſſed with his reaſonable Coſts and Charges in this behalf moſt wrongfully ſuſtained.

An Anſwer and Plea.

The Plea of *T. C.* to part and his Anſwer to the other part of the Bill of *H. D.*

The ſaid Defendant not confeſſing or acknowledging all or any of the ſaid matters and things in the ſaid Bill of Complaint contained to be true in ſuch manner as they are therein and thereby alleadged As to ſuch part of the ſaid Bill as demands an account of and concerning any matters and things tranſacted between the Complainant and this De-

fendant at any time before and unto the 28th day of *F.* in the year of our Lord 1683. and as to all such other part of the said Bill as is not herein after answered unto this Defendant doth plead thereunto and for Plea saith that after this Defendant had compleated and finished the first Voyage to *M.* in the Bill of Complaint mentioned (that is to say) upon the said 28th day of *F. Anno Dom.* 1683. aforesaid the Complainant and this Defendant did make up state and settle an Accompt in writing then delivered to the Complainant of the said Voyage and of all matters and things thereunto relating or any time before and to the said 28th day of *F.* 1683. being or depending between the Complainant and this Defendant And the Complainant after a strict and serious examination of the said Accompt and every particular thereof did approve and allow of the said Accompt and did actually pay and satisfie all moneys then due on the ballance of the said Accompt and thereupon the same 28th day of *F. Anno Dom.* 1683. aforesaid the Complainant did give to this Defendant a Receit or Acquittance under his hand which is in these words *viz.* Received the twenty eighth of *F. Anno Dom.* one thousand six hundred eighty three from *T. C.* the sum of ninety three pounds three shillings and nine pence Sterling being in full of all Accompts whatsoever to this day I say received *per* me *H. D.* as in and by the said Acquittance under the hand of the Complainant

nant ready to be produced to this honourable Court may appear And this Defendant doth plead the ſaid Account ſtated the payment of the ſaid Moneys and the ſaid Receit or Acquittance in Bar to ſuch part of the ſaid Bill as demands an Account from this Defendant for any matters or things in the Bill mentioned on or before the ſaid 28th day of *F.* 1683. and humbly demands the judgment of this honourable Court whether he ſhall make any other or farther Anſwer thereunto.

A Demurrer.

The Demurrer of *A. G.* Defendant to the Bill of Complaint of *H. F.* and *H. L.*

This Defendant by proteſtation not confeſſing or acknowledging all or any the matters and things in the Complainants ſaid Bill contained to be true in ſuch manner and form as the ſame are therein and thereby ſet forth the Complainant's ſaid Bill being exhibited againſt the Defendant in order to recover two ſeveral Legacies of ten pounds a piece pretended to be given to each of the Complainants by the laſt Will and Teſtament of one *S. A.* deceaſed bearing date about the Month of *F.* 1665. they by their ſaid Bill ſetting forth that the ſaid *S. A.* being ſeized in Fee ſimple to him and his Heirs for ever of a Meſſuage or Tenement with its apurtenances lying and being in the Pariſh of *H.* in the Coun-

ty of *E.* by purchase from one *M. J.* his Mother in Law and being so seized made his last Will and Testament in writing bearing date as aforesaid and thereby did give and bequeath to the said Complainants and to each of them the sum of ten pounds to be paid to the said Complainants respectively out of his said Messuage or Tenement in *H.* aforesaid after the decease of *E. A.* his Wife and *M. J.* his Mother in Law And that soon after the said *S. A.* died seized of the said Premisses and that this Defendant purchased the same and had notice of the last Will and Testament of the said *S. A.* and of the Legacies thereby bequeathed to the Complainants and that the said *E. A.* and *M. J.* are both dead and that the said Legacies of ten pounds a-piece are due to the Complainants and that this Defendant ought to pay the same to the Complainants he having purchased the said Premisses which were chargeable with the said Legacies Whereunto this Defendant doth demur And for cause of Demurrer this Defendant saith that the Complainants said Bill being exhibited against this Defendant for the said Legacies before set forth as Purchaser of the said Premisses pretended by the said Bill to be charged with the said Legacies the Complainants ought as this Deefendant is advised to have made the Heir at Law to the said *S. A.* a party and Defendant to the said Bill for that the Heir at Law may have paid and discharged the said Legacies or otherwise have satis-

ſatisfied the ſaid ſeveral Legacies to the ſaid Complainants and to every of them and the ſaid Heir at Law may have ſome releaſe or releaſes or diſcharge or diſcharges for the ſame which he might have pleaded in bar to the Complainants demand of the ſaid Legacies and of the ſaid Legacies and of the ſaid Bill or otherwiſe might have made it appear to this Court that the ſaid Legacies nor either of them are not now due to the Complainant and more eſpecially for that it doth not appear by the Complainants ſaid Bill that the ſaid Premiſſes which deſcended to the Heir at Law are chargeable with the ſaid Legacies by the ſaid laſt Will and Teſtament of him the ſaid *S. A.* And for farther traverſe of Demurrer this Defendant doth ſay that the ſaid Complainants ought as he is adviſed to have made the Executors or Adminiſtrators of the ſaid *S. A.* a party or parties to the ſaid Bill who may (for ought it doth appear by the ſaid Bill) have paid the ſaid Legacies out of the perſonal Eſtate of the ſaid *S. A.* in eaſe of the ſaid Premiſſes And may have taken ſome releaſe or releaſes diſcharge or diſcharges for the ſame And might if they had been parties to this Bill have pleaded the ſame in Bar to the Complainants demand thereof by their ſaid Bill Which diſcharge or diſcharges releaſe or releaſes this Defendant can take no benefit of but the Complainants will have their Legacies twice paid them for ought by their Bill appeareth Wherefore for that the Heir at Law

Law to the said *S. A.* is not made a party to the said Bill and for that the Executors or Administrators of the said *S. A.* are not made parties to the said Bill and for divers other causes and imperfections in the said Bill this Defendant doth demur in Law thereunto and humbly demands the judgment of this honourable Court whether he shall be compelled to make any Answer thereunto and humbly prays to be hence dismissed with his reasonable Costs and Charges in that behalf most wrongfully sustained *&c.*

A Demurrer to a Bill to reverse a Decree.

The Demurrer of *A. B.* Defendant to the Bill of Review of *W. G.* Complainant.

The Scope of the Complainants said Bill being as this Defendant is advised to review a Decree made in this Court wherein this Defendant was Complainant against the now Complainant Defendant by which it is decreed that the Summ of 200*l.* in the said Decree mentioned to be paid by the now Complainant to *A. B.* in the said Decree named as the consideration of an Indenture dated *July* 6. 1676. whereby the said *A. B.* had granted unto the now Complainant and his Heirs a Rent Charge of 200*l.* *per an.* issuing out of the said *A. B.*'s Estate to commence after the Death of the said *A. B.* without Issue Male should be paid by this Defendant

to

to the now Complainant with Intereſt from the aforeſaid ſixth day of *July* 1676. after the rate of ſix pounds *per cent.* and on payment thereof the ſaid now Complainant was to extinguiſh and releaſe the ſaid Rent charge of 200 *l.* and all his Right Title and Intereſt in or Demand unto or out of the Premiſes or any part thereof to this Defendant and his Heirs freed from all Incumbrances done by the ſaid now Complainant or any claiming under him And whereby the ſaid now Complainant is to deliver up to this Defendant or his Aſſigns the ſaid Deed obtained by the ſaid now Complainant as aforeſaid which was thereby ſet aſide and declared to be void and whereby this Defendant his Heirs and Aſſigns were to hold and enjoy the Premiſſes accordingly againſt the now Complainant and all claiming under him diſcharged of the ſaid Rentcharge and whereby a perpetual Injunction was granted for ſtay of all Suits at Law for or touching the ſaid Rentcharge This Defendant doth demurr unto the ſaid Bill of Review and for cauſe thereof ſaith that by the conſtant ſettled Rules of this Court no Bill of Review ought to be admitted to alter change or explain any Decree of this Court inrolled unleſs there be either manifeſt Error in Law appearing in the Body of the ſaid Decree as it is inrolled or for ſome new Matter of fact diſcovered ſince the Decree pronounced and that onely by leave of this Court on an *Affidavit* of the truth of that matter and

this

this Defendant doth insist that it doth not appear in the Body of the said Decree as the same is signed and inrolled and is of Record in this Honourable Court that there are or is any Errour or Errours apparent in the said Decree whereby or by reason whereof the said Decree can or ought to be reviewed or reversed and for that the pretended Errours in the said Bill of Review set forth are not Errours in Law appearing in the Decree but Allegations and Suggestions of matters not contained in the said Decree and for that there is not any such new matter alledged and leave obtained by this Honourable Court for bringing a Bill of Review upon as is warranted by this Honourable Court in this Case wherefore this Defendant doth demur in Law to the said Bill of Review and doth humbly insist upon it that the said Decree for ought appears is well grounded and doth humbly demand the Judgment of this Honourable Court whether he shall be put to make any farther Answer or the Complainant be permitted to proceed any farther on the said Bill of Review and prays to be dismist with Costs.

A Demurrer.

The Demurrer of *A. G.* Defendant to the Bill of Complaint of *H. H.* and *H. L.*

This Defendant by Protestation not confessing or acknowledging all or any the matters

ters or things in the ſaid Bill of Complaint contained to be true in ſuch ſort manner and form whereby they are ſet forth ſaith That the Complainant pretending that one *T. R.* late of *London* Gent. did deviſe certain Lands Meadows and Wood Ground in the Bill particularly named unto one *J. T.* this Complainants late Father for a term of ſixty years under the Rent of 23*l.* and that his ſaid Father dying thereof poſſeſſed Adminiſtration of the Goods and Chattels of his ſaid Father were in due courſe of Law granted to *A. T.* his the Complainants late Mother and that the ſaid *A.* having an Intention to marry this Defendant and to diſpoſe of her Eſtate for the Good of her Children before her Marriage by her Indenture bearing date about the twentieth of *June* in the year of our Lord 1649. did aſſign over all her Eſtate Intereſt and Term for years in the ſaid Lands to *T. R.* and *J. C.* for the reſt and reſidue of the ſaid Term in truſt for her ſelf for her Life and after in truſt for the Complainant and that the Complainant ſhould receive yearly during her Life five pounds And that the ſaid *A.* being dead and this Defendant having got the Deed into his hands concealeth the ſame and doth refuſe to ſuffer the Complainant to enjoy the ſaid Land or to pay the five pounds according to the ſaid Truſt and to diſcover the truth of the Premiſſes and the dates and contents of the Deed and the Witneſſes names thereof and in whoſe cuſtody the ſaid Deed is

and

and to have the Defendant anſwer and to be relieved in the Premiſſes is the ſcope of the Bill To which Bill and all the charge therein contained this Defendant doth demurr And firſt for that the Plaintiff ſeeketh a cuſtody of a Deed by which he pretends Title to the ſole Rent of the Remainder of a Term for ninety nine years aſſigned by his Mother to *T. R.* and *J. C.* which if any ſuch Deed were it did properly belong to the Complainant or to the ſaid Truſtees and moſt probable to be in their or ſome of their keeping and not in this Defendants who appears by the Complainant's own ſhewing to be a ſtranger thereunto it being made by his late Wife before her Marriage And hath not made Oath (as by the courſe of this Honourable Court he ought) that the ſaid Deed of which he ſeeketh a diſcovery and relief thereupon is not in his own cuſtody or of ſome other perſon or perſons in truſt for him or within his power and ſo for ought appears to this Court doth needleſſy vex this Defendant by this Suit as he hath done by two former Bills which are diſmiſſed by the Plaintiff himſelf touching this Leaſe As alſo for that he ſeeketh by his ſaid Bill to be relieved concerning a Truſt created for his benefit and hath not made the Truſtees parties to the ſaid Bill with the ſaid Truſt if any ſuch there be but doth it on purpoſe to oppreſs this Defendant by this Suit in which this Honourable Court cannot (as this Defendant is adviſed) make any Decree for want of proper

proper parties For which causes and other imperfections in the said Bill this Defendant doth demurr and demand the Judgment of this Honourable Court whether he shall be compelled to make any other or farther Answer to the said Bill of Complaint and prays to be hence dismissed with his Costs.

A Plea of Outlawry.

The said Defendant by Protestation not confessing or acknowledging any the matters or things in the said Bill of Complaint contained to be true in such sort and manner and form as the same are therein and thereby set forth and alledged for that this Defendant conceiveth the said Bill of Complaint is exhibited against this Defendant rather for vexation and to put this Defendant to unnecessary charges and Expences in the Law then for any just and lawfull cause However this Defendant should be otherwise willing to give satisfaction to this Honourable Court touching the suggestions therein contained yet for that the said Complainant standeth outlawed at the suit of *&c.* in a Plea of Debt as appears by a Writ of *Capias utlagatum* under Seal hereunto annexed With this that this Defendant doth and will averr and maintain that the said Outlawry remains in its full force unreversed and not annihilated and also that the said Plaintiff *A. N.* so outlawed and the said *A. N.* the now Complainant is one and the same

same person and not another and divers Therefore this Defendant doth humbly crave the Judgment of this Honourable Court whether he this Defendant shall be compelled to answer the said Bill of Complaint untill the said Complainant shall become a person of ability and capable to exhibite any such Bill of Complaint against this Defendant and in the mean time humbly prays to be dismissed &c.

A Plea to release in Chancery The form of pleading it (viz.)

The said Defendant saith that the aforesaid Bill of complaint is very untrue and is as he conceiveth insufficient in the Law to be answered unto for divers apparent faults and imperfections therein manifestly appearing yet by way of Plea this Defendant saith that since the exhibiting of the Bill of complaint into this Honourable Court that is to say the —— day of —— the Complainant by a Release by him signed sealed and delivered bearing date the said —— day of —— and ready to be produced to this Honourable Court as this Honourable Court shall award did for himself his Executors and Administrators remise release and for ever quitclaim unto this Defendant his Executors and Administrators All and all manner of Actions causes of Actions Suits Debts Bonds Bills Specialties Judgments Executions Accounts Trespasses Matters Demands & Things whatsoever

soever which the Complainant his Executors or Administrators then had or hereafter might or could have against the Defendant his Executors or Administrators for and in respect or by means or reason of any Matter Cause Act or Thing whatsoever from the beginning of the World untill the said Day of the date of the said Release for which cause this Defendant humbly demands the Judgment of this Honourable Court whether he this Defendant shall be compelled to make any other or farther Answer to the Complainants said Bill of complaint exhibited in this Honourable Court and prayeth to be hence dismissed &c.

Plea of the Statute of Limitations.

The said Defendant saving to himself &c. for Plea unto the said Bill he saith that what materials were provided by the Complainant or delivered by the Complainant for this Defendants use or upon his Account and what Building or Work was done by the Complainant for this Defendant that is mentioned in the Complainants said Bill was provided delivered and done by the Complainant above six years before this Defendant was served with any Process of this Court to answer the said Bill that if the Complainant ever had any cause of Action against the Defendant for or concerning any the Matters in the said Bill mentioned which this Defendant doth in no sort admit the same did accrue or arise above

six years before the filing the said Bill or serving this Defendant with Process nor did this Defendant at any time within six years promise or agree to come to Account for or pay the Complainant any Moneys for any materials Buildings or Work in the Bill mentioned or for any of the Complainants pretended demands in his said Bill mentioned and therefore this Defendant doth plead the Act of Parliament or Statute of Limitations made in the twenty first year of his Majesties Reign And prays the benefit of the said Act of Parliament for Limitation of Actions All which Matters this Defendant pleadeth in Barr of the Complainants said Bill and of the Complainants pretended Demands by his said Bill for which he seeks to be relieved and in Barr of the said Bill And this Defendant prays to be hence dismissed with his Costs in this behalf wrongfully sustained.

Plea of Outlawries.

These Defendants not confessing or acknowledging all or any of the Matters in the Complainants said Bill contained to be true in such manner and form as the same are therein declared and set forth for Plea thereunto say that the Complainant now is and standeth a person outlawed in several Actions and so is and standeth disabled by the Law of this Realm to sue or commence any Suit in this Honourable Court or in any other Court

Court untill the ſame Outlawries be reverſed For they ſay that on *Monday* next after the Feaſt of St. *John* before the Latin Gate in the three and twentieth Year of his Majeſties Reign that now is the Complainant was outlawed after Judgment in an Action of Debt at the Suit of *E. B. &c.* as by the ſeveral Outlawries *ſub pede Sigilli* hereunto annexed may appear which ſaid Outlawries as yet do ſtand unreverſed And theſe Defendants do averr that the ſaid *F. R.* Complainant named in the ſaid Bill of complaint and the ſaid *F. R.* named in the ſaid Writ or Writs of *Capias utlagatum* hereunto annexed is one and the ſame perſon and not divers and ſeveral And therefore theſe Defendants do demand Judgment whether or no they ſhall be compelled to make any other or farther Anſwer to the Complainants Bill of complaint ſo long as the ſaid Outlawries do ſtand in force againſt the Complainant and not reverſed.

A Plea of a former Suit depending for the ſame matter.

This Defendant by Proteſtation not confeſſing or acknowleging all or any of the matters in the Complainants ſaid Bill contained to be true in ſuch manner and form as the ſame are therein declared and ſet forth for Plea thereunto ſaith That the ſaid Complainant in the Term of *Eaſter* which was in the Year of our Lord one thouſand ſix hundred

ſeventy and three did exhibit their Bill into this Honourable Court againſt the Defendant and *E. T.* to have an Accompt of the Moneys raiſed by the ſale of the Plantations in the Complainants now Bill mentioned and claiming ſuch Intereſt Shares and proportions therein as by their now Bill they do now claim and praying relief as againſt this Defendant in the ſame manner and for the ſame matters and to the ſame effect as they do now by this their Bill To which ſaid firſt Bill this Defendant and the ſaid *E. T.* did put in their Anſwer and the ſaid Complainants thereunto replied and Witneſſes were examined on both ſides and their Depoſitions duly publiſhed And the ſaid former Bill is ſtill depending in this Honourable Court and the ſaid Cauſe is not determined And therefore this Defendant doth plead the ſaid former Bill Anſwer and Proceedings in Barr to the ſaid Complainants ſaid Bill And humbly prays the Judgment of this Honourable Court whether he ſhall be put to make any farther or other Anſwer thereunto.

A Plea

Demurrer to a Bill of Review.

The Demurrer of *H.W.* Eſq; to the Bill of Review of *H.S.* Eſq; and *A.* his Wife Complainants.

This Defendant by Proteſtation not confeſſing or acknowledging all or any the matters or things in the ſaid Bill of Review contained other than what is contained in the Decree upon Record which the Bill ſeeks to reverſe to be true in ſuch manner and form as the ſame are thereby ſet forth and alleadged ſaith That by the conſtant Rules of this Court no Bill of Review ought to be admitted to alter or change Matters decreed either for Errour in Law appearing in the body of the Decree as 'tis drawn up and enrolled or for new Matter ariſen ſince the Decree or ſuch matter of which the Plaintiff in the Bill of Review could have notice at the time of the Decree and therefore and for that the Matters aſſigned by the Bill for cauſe of Reverſal of the ſaid Decree are neither any Errour in Law apparent in the body of the Decree nor any ſuch new matter as aforeſaid but are onely a pretence of misjudging in matter of Form onely and not in point of Right And for that the pretehce of the Bill for decreeing for a Defendant againſt a Plaintiff on his own Bill and the pretence of the Abatement of the Suit before the Decree paſt are

onely Exceptions of Formality And for that the other pretended Errour in miscasting in case any such be is amendable by a Motion and for that the said Bill of Review contains in it no Equity this Defendant doth demurr in Law thereunto and humbly insists upon it that the said Decree ought not for any the causes assigned by the Bill to be reviewed or reversed being for ought appears thereby well grounded and humbly demands the Judgment of this Honourable Court whether he shall be put to make any other Answer thereunto and humbly prays to be hence dismissed with his Costs.

This Demurrer was allowed and the Bill dismissed.

A Demurrer.

The Demurrer of *P. D.* and *A.* his Wife to the Bill of *F. H.* Complainant.

The said Defendants say they are advised the said Bill exhibited by the said *F. H.* is such that they are not by the Justice of this Honourable Court requirable to answer the same for the many Imperfections therein appearing And more especially for that the same appearing in it self to be partly a Bill of Reviver and partly an original Bill there is not any Process prayed that the same or any part thereof which is that part thereof that should be revived cannot be revived as

these

theſe Defendants are adviſed for the Reaſons aforeſaid it cannot Then conſequently as they are alſo adviſed the other part thereof need not be anſwered for that it is not ſelf ſubſiſtent but merely dependant and conſequential upon that which ſhould have been revived And theſe Defendants farther ſay they are adviſed there are other defects in the ſaid Bill for which theſe Defendants ought not to be compelled to anſwer the ſaid Bill as particularly for that it is expreſſed therein That as againſt one of the Defendants *viz.* *A.C.* for 1000 *l.* the Bill was diſmiſt yet that alſo (as they are adviſed) is prayed to be revived And farther for that the Complainant as they are adviſed hath not well entituled her ſelf or well ſet forth her Title to the Eſtate by her in her Bill mentioned to be decreed nor derived her Title well from the perſons mentioned to have obtained the ſaid Decree For all which cauſes and for many other defects in the ſaid Bill appearing theſe Defendants do demurr in Law thereunto And humbly demand the Judgment of this Honourable Court if thereunto they ſhall be required to make any other or farther Anſwer and humbly pray to be hence diſmiſſed with Coſts.

This Demurrer was allowed and the Bill diſmiſſed.

A Demurrer.

The Demurrer of *A. T.* Esq; Defendant to the Bill of Complaint of *W. H.* Esq; *B. M. R. M.* and *D. D.* Complainants.

The said Defendant by protestation not confessing or acknowledging all or any the matters in the said Complainants Bill set forth to be true in such sort manner and form as the same are therein and thereby set forth and alleadged for and by way of Demurrer thereunto this Defendant saith that it appears of the Plaintiff's own shewing in and by their said Bill of Complaint that the Complainants heretofore in the year &c. exhibited a former Bill against this Defendant and others to discover whether a Stat. entred into by *S. T.* unto *A. D.* and other Securities and Incumbrances were satisfied to the end the Complainants might be let in to have satisfaction of a pretended Judgment obtained by *R. H.* under whom the Complainaints claim of two thousand pounds on a Bond for payment of one thousand three hundred pounds principal money entred into by *S. T.* and Sir *A. T.* his Father subsequent to the said Statute entred into the said *D.* which Cause was heard in this Court and referred to an Accompt and the said Statute entred into to the said *T.* and other precedent Incumbrances found to be satisfied with an overplus And the Statute was

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in the said Suit set aside as to the Complainants and the Complainants were at liberty to proceed and have since proceeded at Law upon the said Judgment and have extended the Lands of the said *S. T.* thereon and the said precedent Incumbrances were not to be given in evidence whereby it appears of the Complainants own shewing that the Complainants have had relief and the equity of their Cause hath had all the favour and justice which could be expected from this Court and have by the aid of this Court their plain and proper remedy at Law to recover on the said Judgment and ought not to have any farther aid or relief in this Court in a Case of this nature And for that the Plaintiffs by their now Bill seek to have the aid and assistance of this Court to recover and be paid interest and costs beyond the penalty of the said Judgment which penalty being two thousand pounds this Defendant tendred at Common Law which this Defendant is advised is not consistent with nor agreeable to the rules of this Court to give damages or Costs beyond the penalty of the security and therefore these Defendants are advised that the Complainants ought not to have any Aid or Relief of this Court therein Wherefore and for that it is against the ancient rules and practise of this Court to extend or in large legal Securities beyond the penalties of the same or to give any farther relief after a Decree formerly had touching the

same

same matter which may be occasion of endless Suit and vexation For which causes and divers other errours and imperfections in the said Bill appearing this Defendant doth demurr in Law thereunto and humbly demands the judgment of this honourable Court whether he shall be compelled to answer *&c.*

This Demurrer was allowed by the Lord Chancellor *Jeffreys Mich.* Term 1685.

A Demurrer for want of proper parties.

The Demurrer of *J. S.* Gent. Defendant to the Bill of complaint of *E. N.* Complainant.

The said Defendant by protestation *&c.* for and by way of Demurrer thereunto saith that the Complainant in and by her said Bill endeavours to entitle her self to several Messuages and Tenements in the Bill mentioned as one of the Daughters and Co-heirs of *F. H.* in the said Bill called *F. N.* who was one of the Daughters and Co-heirs of *R. W.* in the said Bill named deceased And prays to have an Accompt of the Rents and Profits of the said Premisses ever since the death of her said Mother and to have the Deeds Evidences and Writings discovered and brought into Court or deposited in other safe hands for the benefit of the said Complainant and *F. W.* her Sister in the said Bill called *F. N.* the other her Daughter and Co-heir of the said *F. H.* called

led in the ſaid Bill *F. N.* deceaſed To which Bill this Defendant doth demurr and for cauſe of Demurrer ſaith That it appears of the Plaintiff's own ſhewing that the ſaid *F.* called in the ſaid Bill *F. N.* is Daughter and Co-heir with the Complainant *F.* called in the ſaid Bill *F. N.* deceaſed and equally entituled with the Complainant to the ſaid Premiſſes (if any Title ſhe hath) and who is now living and may hereafter call this Defendant to an account under the ſame pretences of Title as the Complainant now doth whereby this Defendant is like to be put to a double trouble charge and vexation which might have been determined by this Suit in caſe the ſaid *F.* the Complainant's Siſter and Co-heir had been a party Complainant or Defendant to the ſaid Complainants Bill as ſhe ought to have been Wherefore for that the ſaid *F.* the Complainants Siſter is not made a party to the ſaid Complainants Bill and for divers other Errours and Imperfections in the ſaid Bill appearing this Defendant doth demurr in Law thereunto and humbly demands the judgment of this honourable Court whether he ſhall be compelled to make any Anſwer to the ſaid Bill And prays to be hence diſmiſſed with his Coſts in this behalf wrongfully ſuſtained.

A De-

A Demurrer to a Replication becauſe it is a departure from the Bill.

The Demurrer of *J. A.* and *A.* his Wife two of the Defendants to the Replication of *T. C.* Complainant.

Theſe Defendants ſay they are adviſed that the ſaid Replication is inſufficient to be rejoyned unto for that the ſcope of the Bill is to be relieved againſt theſe Defendants upon ſuppoſed articles of agreement alleadged to have been made between the Complainant and theſe Defendants whereby it is alleadged that theſe Defendants for eleven hundred pounds agreed to convey the Manors Lands and Tenements in the Bill mentioned and all the Eſtate therein to the Replyant The Bill ſuggeſting that theſe Defendants were intituled in the right of the Defendant *A.* as one of the Siſters and Co-heirs of *E. C.* her late Brother deceaſed and that the Plaintiffs were entituled by virtue of a Settlement And by the Replication the Plaintiff alleadgeth that ſome other perſon to the uſe of theſe Defendants or the Plaintiff or by their conſent was or were in the poſſeſſion of the ſaid Manor and Premiſſes and took the Rents thereof by the ſpace of one whole year next before the making the ſaid Articles which is another Title than the Plaintiff chargeth in his Bill for the Plaintiff doth not pretend

any

ny poſſeſſion in himſelf or any under whom he claims nor in theſe Defendants by the ſaid Bill And therefore the ſaid Replication is a departure from the Bill and by conſequence is inſufficient to be rejoyned unto and therefore theſe Defendants do demurr thereunto and humbly demand the judgment of this honourable Court thereupon and pray to be diſmiſſed with their Coſts.

A Demurrer for not ſetting forth Letters of Adminiſtration and making Oath of the loſs of a Bond.

The Demurrer of *T. N.* Defendant to the Bill of complaint of *R. W.* Widow Complainant.

The ſaid Defendant by proteſtation not confeſſing or acknowledging all or any the matters or things in the ſaid Complainant's Bill contained to be true in ſuch manner and form as the ſame are therein and thereby ſet forth and alleadged For and by way of Demurrer ſaith that the Complainant by her Bill (as this Defendant is adviſed) endeavours to entitle her ſelf to a ſum of money due upon a Bond pretended to be entred into by this Defendant to *R. W.* her late Husband deceaſed and ſuggeſts for equity that the ſaid Bond was burnt in the late Fire in *S.* To which this Defendant demurreth and for cauſe of Demurrer ſaith that the Complainant hath

hath not by her ſaid Bill ſufficiently entituled her ſelf to the money due upon the ſaid Bond in caſe any ſuch Bond there be or ever was which this Defendant doth in no ſort admit for that the Complainant doth not by her ſaid Bill ſet forth that Letters of Adminiſtration of the Eſtate of the ſaid *R. W.* were granted unto her under the Seal of the Spiritual Court and for that ſhe doth not profer to produce the ſame ſo under Seal to this Court nor refer her ſelf thereto and for that the ſaid Bill doth not contain any Equity for that the ſaid Complainant hath not made oath that the ſaid Bond is burnt or loſt as by the rules and conſtant practice of this Court ſhe ought to have done Wherefore and for divers other Errours and Imperfections in the ſaid Bill appearing this Defendant doth demurr in Law thereunto and humbly demands the judgment of this honourable Court whether he ſhall be compelled to make any Anſwer to the ſaid Bill and prays to be hence diſmiſſed with his Coſts in this behalf wrongfully ſuſtained.

A Re-

A Rejoynder to part and a Demurrer to other part of a Replication for that the Replication contains matter that is foreign to the matters contained in the Bill.

The Rejoynder of *W. T. alias E.* Defendant to part and her Demurrer to the reſidue of the Replication of *J. T. alias E.* Complainant.

The advantage of Exception in and to the uncertainty and inſufficiency of the ſaid Replication to this Defendant at all times hereafter ſaved for Rejoynder unto ſo much thereof as is not demurred unto This Defendant ſaith in all and every other matter and thing as ſhe in her ſaid Anſwer hath ſaid and doth and will averr juſtifie and prove the ſame Anſwer and all and every clauſe and thing therein contained to be true certain and ſufficient in the Law to be replyed unto in ſuch manner and form as the ſame is therein ſet forth and declared And as to ſo much of the Replication as concerneth or alleadgeth any agreement to have been made between the Complainant and this Defendant ſince her late Husband's death or any declaration made by this Defendant this Defendant doth demurr in Law thereunto for that that matter is foreign to the matter of the Bill for the Bill is grounded purely as to ſo much as concerns the Defendants right of Dower on a ſuppo-

ſuppoſed agreement alleadged to be made between the Friends of this Defendant and her ſaid late Husband on their marriage without ſo much as one word of mention of the agreement charged in the Replication to have been made by this Defendant and the Complainant ſince her Husband's death ſo that the ſuppoſed agreement is foreign to the agreement charged in the Bill And therefore and inaſmuch as the ſaid pretended agreement mentioned in the Replicat. was for ought appears precedent to the Complainant's Bill and therefore in caſe the Complainant would have any avail or benefit thereby it ought to have been made part of the Bill that ſo this Defendant might by Anſwer upon Oath have made her defence entire thereunto and might have ſet forth any matter that ſhe could in avoidance thereof upon her Oath as that the ſaid agreement pretended by the Replication is but a part of the agreement that was really made between the Plaintiff and her and not the whole or that the ſame was waived afterwards or other matters ſhe might ſet forth by Anſwer that might with the teſtimony of one Witneſs be a full defence to that matter whereas in caſe ſhe ſhould be put to rejoyn in that matter ſhe might be deprived of that defence which ſhe is adviſed ſhe ought not in juſtice nor by the courſe of equity ſo to be And therefore ſhe doth demurr to that part of the Replication and humbly demands the judgment of this honourable Court whether

whether the Complainant ought to be permitted in this manner to draw that matter under examination and prays as in her Answer she hath prayed

A. K.

Demurrer to be relieved against a Bond entred into by the Plaintiff and another To which the Defendants and one]. *were Witnesses and confederated with the Obligee to obtain the same.*

The Demurrer of *D. A.* and *G. H.* two of the Defendants to the insufficient Bill of Complaint of *J. P.* Gent. Complainant.

The said Defendants say and either of them saith That if all the said Complainants Bill of Complaint (as against them these Defendants or either of them) were true as the same is not yet of the Complainants own shewing there is not any cause or colour of cause therein contained why the said Complainant should complain against or sue these Defendants or either of them in this Honourable Court or in any other Court of Law or Equity Neither is there any Matter or Thing charged in the said Bill of Complaint against them these Defendants or either of them whereupon this Court can proceed to make any judicial Order or Decree against them these Defendants or against either of them For if

it were true (as it is not) that *P. W.* deceased in the said Bill named did take security of *J. B.* in the Bill also named by Bond Bill or any other Writing of the said *B.* for the Summ of 24 *l.* 2 *s.* in the Bill specified or in any other greater Summ and arrested the said *B.* upon the said Bond or Bill and imprisoned him in the Marshalsey where he yet remaineth Prisoner at the Suit of the said *W.* And if it be also true (as the same is not) that *N. J.* one of the Defendants in the Bill also named did write the said Bond Bill or other Writing And that he the said *N. J.* and these Defendants were Witnesses to the Sealing of the said Bond or Bill for the payment of the said four and Twenty pounds and two shillings or of any other Summ or Summs of Money whatsoever Then these Defendants say and either of them saith That the said Complainant of his own shewing is not nor any ways can be wronged or prejudiced by reason of these Defendants being Witnesses to the said Bond Bill or any other Writing Neither have or hath these Defendants or either of them therein committed or done any unlawfull Act or Thing whereby the said Complainant should need the aid of this Honourable Court against these Defendants or against either of them or whereupon this Court can ground any judicial Order or Decree For which causes and for that there is no other Matter or Thing charged in the said Bill of complaint against these De-

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fendants or againſt either of them ſaving that they theſe Defendants are thereby ſuppoſed to be Witneſſes with the ſaid *N. J.* to ſome Bond Bill or other Writing And for that the ſaid Bill of Complaint containeth no matter of Equity againſt theſe Defendants or againſt either of them Therefore theſe Defendants do and either of them doth demurr and abide in Law upon the inſufficiency of the ſaid Bill of Complaint And do and either of them doth humbly demand the Judgment of this Honourable Court if they theſe Defendants or either of them ſhall be compelled to make any farther or other Anſwer thereunto All which Matters theſe Defendants are and either of them is ready to maintain as this Honourable Court ſhall award And humbly pray and either of them prayeth to be diſmiſſed forth of the ſame with their and either of their reaſonable Coſts. and Charges in that behalf moſt wrongfully ſuſtained *&c.*

This Demurrer was allowed.

A Plea and Demurrer.

The Demurrer being that the Plaintiffs as Creditors and Assignees under a Statute of Bankrupt come to avoid Leases made to the Defendant and a Redemise afterwards on pretence the Commissioners had assigned the Creditors to pay the Money to the Defendant and he to assign his Estate whereas the Commissioners had no power to doe the same and the Estate in Law made to the Defendant was two years and six Months before the pretended Bankrupsie And for Plea in Barr the Defendant offers the Indentures and a Fine levied to him long before the Bankrupsie.

The Demurrer and Plea in Barr of *W. T.* Defendant to the insufficient Bill of Complaint of *J. B.* and *H. B.* Complainants.

The said Defendant for Demurrer to the Bill saith That if all the said Bill were true as it is not yet the said Complainants of their own shewing as they themselves have made their case ought not thereupon to be relieved either in Law or Equity For this Defendant saith That if it were true that *J. E.* in the Bill named and *F.* his Wife in the month of *J.* in the two and twentieth year of the Reign of our late Sovereign Lord King *James* were lawfully seized of a good perfect and indefeasible Estate to them and to the Heirs of the said *J. E.* of the Messuage or Tenements in the Bill mentioned and that the said *J.* and *F.* be-

F. being ſo ſeized by Agreement had and made by and between them the ſaid *J. E.* and *F.* his Wife and this Defendant did by their Indenture of Leaſe under their Hands and Seals bearing date the twelfth day of *J.* which was in the ſaid two and twentieth Year of the Reign of our ſaid late Sovereign Lord King *James* demiſe grant and to farm let unto this Defendant the ſaid Meſſuages or Tenements for the term of 21 years and 28 days from the Feaſt of the Nativity of Saint *John* the Baptiſt which was in the ſaid two and twentieth Year of our ſaid Sovereign Lord King *James* rendring a penny Rent yearly At the Feaſt of St. *Michael* the Archangel if the ſame were lawfully demanded And that this Leaſe were made in conſideration of 240 *l.* paid or lent by this Defendant to the ſaid *J. E.* and *F.* his Wife And if it be likewiſe true that this Defendant in or upon the fourteenth day of the ſaid Month of *J.* in the ſaid two and twentieth Year of the Reign of our ſaid late Sovereign Lord King *J.* did redemiſe the ſaid Meſſuages or Tenements unto the ſaid *J. E.* and *F.* his ſaid Wife for the term of one and twenty years from the ſix and twentieth day of *J.* in the ſaid two and twentieth Year of the Reign of our Sovereign Lord King *James* yielding and paying therefore yearly during the ſaid Term unto this Defendant the ſumm of 30 *l.* at the Feaſt of the Nativity of St. *J.* Baptiſt and the firſt payment thereof to begin at the Feaſt of

the Nativity of St. *J.* Baptiſt *An. Dom.* 1625. With a proviſo that if the ſaid Rent of 30*l.* ſhould be behind and unpaid in part or in all over or after any of the days of payment limited for the payment thereof That then and from thenceforth it ſhould and might be lawfull to and for this Defendant into the ſaid Meſſuages or Tenements to re-enter And if it be likewiſe true that the ſaid *J. E.* did become bound unto this Defendant in a Bond of 300*l.* conditioned for the performance of the Covenants and Agreements contained in theſe Indentures And that afterwards the ſaid *F.* died and the ſaid *J. E.* her ſurvived and did truly pay to this Defendant the ſumm of 30*l.* upon the Feaſt day of the Nativity of St. *J.* Baptiſt which was in the ſaid Year of our Lord God 1625. for a years Rent then due upon the ſaid laſt mentioned Leaſe And if it be likewiſe true that the ſaid *J. E* upon the Feaſt of the Nativity of St. *J.* Baptiſt 1626. did fail to pay the ſaid ſumm of 30*l.* then due for the ſaid Rent and did after condiſcend to make and did make unto this Defendant one other Leaſe of the ſaid Meſſuages or Tenements by Indenture bearing date the 28th day of *Decemb.* 1626. and in the 2d Year of the Reign of our Sovereign Lord the King's moſt Excellent Majeſty that now is for the term of 21 years to begin from the expiration of the ſaid firſt recited Leaſe for the yearly Rent of one Pepper Corn Upon condition that if the ſaid *J. E.* his Executors Adminiſtrators

ſtrators or Aſſignes or any of them did or ſhould from time to time and at all times then after during the reſidue of the ſaid Term of 21 years then to come and unexpired well and truly pay or cauſe to be paid unto this Defendant his Executors Adminiſtrators or Aſſigns the ſaid Rent of 30*l.* at ſuch days times and place and in ſuch manner and form as in the ſaid recited Indenture of Leaſe is limited and appointed Then the ſaid laſt mentioned Indenture of Leaſe ſhould ceaſe determine and be utterly void And if it be likewiſe true that the ſaid *J. E.* did afterwards pay unto this Defendant the 30*l.* which was then formerly due to have been paid at the Feaſt of St *J.* Baptiſt which was in the ſaid Year of our Lord God 1626. and did after pay unto this Defendant the Rent of 30*l.* due at the Feaſt of St. *J.* Baptiſt *An.* 1627. And did pay unto this Defendant the like Rent of 30*l.* at the Feaſt of St. *J.* Baptiſt *An.* 1628. And if it be likewiſe true that afterwards the ſaid Rent of 30*l.* due at the Feaſt of St. *J.* Bapriſt 1629. was behind and unpaid And that this Defendant for non-payment thereof did enter upon the ſaid demiſed Premiſſes and hath received or might have received of the under Tenants thereof all the Rents and Profits thereof Aſwell thoſe that were behind at the Feaſt of St. *J.* Baptiſt 1629. as ſuch as have grown due ever ſince The value of the ſame Tenements being 30*l. per an.* And if it be likewiſe true that the ſaid *J. E.* were a

man that did ſeek or get his living by buying and ſelling and that the ſaid *J. E.* were indebted to the Complainants and others in the ſumm of 500 *l.* and did in *Decemb. A. D.* 1626. begin to keep his Houſe in St. *Albans* to the intent to delay his Creditors for the recovery of their juſt and true Debts and hath ſince abſented himſelf and is thereby become a Bankrupt And if it be likewiſe true that the ſaid Complainants and others the Creditors of the ſaid *J. E.* did the 28th day of *J.* laſt being the 28th day of *J. A. D.* 1631. become Suiter to the Right Honourable the Lord Keeper of the Great Seal of *England* for a Commiſſion upon the Statutes of Bankrupts to be awarded againſt the ſaid *J. E.* And that thereupon a Commiſſion was awarded the 29th day of *J.* now laſt paſt directed to the Commiſſioners in the Bill named or to any four or three of them And if it be true that the ſaid Commiſſioners have begun to put the ſaid Commiſſion in execution and have found that the ſaid *J. E.* being indebted to the ſaid Complainant and others did in the month of *Decemb.* 1626. begin to keep his Houſe and abſent himſelf from his Creditors and that he the ſaid *J. E.* did thereby become a Bankrupt as by the Bill is ſet forth This Defendant for Demurrer to the ſaid Bill ſaith That if all the ſaid Surmiſes and Allegations were true yet the ſaid Complainants of their own ſhewing ought not thereupon to be relieved either in Law or Equity For this Defendant ſaith That the

ſaid

ſaid Commiſſioners by vertue of the ſaid Commiſſion had not any thing to doe with any of this Defendants ſaid Leaſes Neither were the ſame Leaſes any ways ſubject to the ſaid Commiſſion for that it appeareth of the ſaid Complainants own ſhewing that the ſaid Leaſes were made for good conſideration of Money paid long before the ſaid *J. E.* did become a Bankrupt (that is to ſay) the ſaid firſt Leaſe made by the ſaid *J. E.* unto this ſaid Defendant and the Redemiſe thereupon made by this Defendant to the ſaid *J. E.* were both made in conſideration of 240 *l.* paid by this Defendant to the ſaid *J. E.* and to ſecure unto him this Defendant the ſumm of 30 *l. per an.* out of the Meſſuages or Tenements thereby demiſed for 21 years And the ſaid latter Leaſe as it appeareth of the ſaid Complainants own ſhewing was made after a forfeiture of the Redemiſe made by this Defendant to the ſaid *J. E.* and after a forfeiture of the Bond of 300 *l.* and the ſame was onely made to ſecure the ſubſequent payments of the ſaid Rent of 30 *l. per annum* And this Defendant ſaith that the ſaid firſt Leaſe and the ſaid Redemiſe being ſo as aforeſaid made in *June A. D.* 1624. and in the 22th Year of his ſaid late Majeſties Reign this Defendant could not then prognoſticate that the ſaid *J. E.* ſhould become a Bankrupt in *December* 1626. which was two years and ſix months after the making of the ſaid Leaſe and Redemiſe For which cauſe and becauſe it appeareth of the Complainants own ſhewing that the

the ſaid Leaſe and Redemiſe were made for the conſideration of 240 *l.* and to ſecure to this Defendant 30 *l. per An.* for 21 years and were made two years and ſix months before the ſaid *J. E.* did become a Bankrupt And becauſe the Complainants by their Bill do ſet forth a good Title both in Law and Equity to this Defendant of and in the Meſſuages Lands and Tenements in queſtion but do not ſhew nor derive unto themſelves any Title at all thereunto either in Law or Equity neither by Grant nor Aſſignment from the Commiſſioners nor otherwiſe Therefore this Defendant doth demurr and abide in Law upon the inſufficiency of the ſaid Bill and doth humbly demand the Judgment of this Honourable Court if he this Defendant ſhall be compelled to make any anſwer thereunto And for farther cauſe of Demurrer to the ſaid inſufficient Bill this Defendant ſaith That the Title ſet forth by the Complainant by their ſaid Bill to the Leaſes in queſtion or to the Lands Tenements or Hereditaments thereby demiſed is no good Title either in Law or Equity For if it be true that the Commiſſioners upon the Statutes of Bankrupts did aſſign and appoint the Complainants to pay or tender unto this Defendant the Summ of 240 *l.* with intereſt and in ſuch manner as by the Bill is ſuggeſted And did aſſign or appoint them to take from this Defendant an Aſſignment or Conveyance of the Leaſes made to this Defendant of the Lands in the Bill mentioned to the benefit and behoof

behoof of the Complainants and of the other Creditors of the ſaid *J. E.* yet the ſaid Commiſſioners had no power by any the Statute or Statutes of Bankrupts or by their Commiſſion either to aſſign or appoint the Complainants to pay or tender unto this Defendant any ſumm or ſumms of money or to aſſign or appoint this Defendant to aſſign or convey the ſaid Leaſes or Lands Tenements or Hereditaments thereby demiſed For which cauſe alſo and becauſe there is no matter of Equity contained in the ſaid Bill but the ſaid Complainants do thereby endeavour to avoid a plain honeſt and lawfull Contract made for juſt and valuable Conſideration two years and ſix months before the ſaid *J. E.* became a Bankrupt this Defendant doth demurr in Law upon the inſufficiency of the ſaid Bill and doth humbly demand the Judgment of this Honourable Court if he this Defendant ſhall be compelled to make any Anſwer thereunto And for Plea in barr to the ſaid Bill this Defendant ſaith That the ſaid *J. E.* and *F.* his ſaid Wife in the Term of the Holy Trinity which was in the ſaid 22d Year of his ſaid late Majeſties Reign by one Fine acknowledged and levied before his then Majeſties Juſtices of this Court of Common Pleas at *Weſtminſter* did grant unto this Defendant all and ſingular the Meſſuages Lands Tenements and Hereditaments in the ſaid Indenture of the 12th and 14th days of *J.* in the ſaid 22d Year of his ſaid late Majeſties Reign mentioned by the names of three

Meſſu-

Meſſuages three Cottages three Gardens three Orchards ſix Acres of Land and two Acres of Meadow with the appurtenances in the Town of St. *Albons* and in the Pariſh of St. *Michaels* To have and to hold to this Defendant from the Feaſt of St. *John* the Baptiſt then next following for the term of 21 years and 28 days then next following and fully to be complete and ended as by the ſaid Fine remaining upon Record in his Majeſties ſaid Court of Common Pleas appeareth And therefore this Defendant demandeth the Judgment of this Honourable Court if againſt the Indenture of the ſaid *J. E.* under his Hand and Seal made for the conſideration of 240 *l.* confeſſed by the Complainants to be paid and the ſame Indenture acknowledged by the ſaid Complainants to be made two years and ſix months before the ſaid *J. E.* did become a Bankrupt And if againſt the ſaid Fine the ſaid Complainants as Creditors to the ſaid *J E.* upon a bare ſurmiſe that the Commiſſioners upon the Statutes of Bankrupts have appointed them the ſaid Complainants to pay 240 *l.* and this Defendant to aſſign or convey his Intereſt to the ſaid Complainants the ſaid Complainants ſhall be received to complain in this Honourable Court All which matters this Defendant is ready to maintain as this Honourable Court ſhall award And humbly prayeth to be diſmiſſed forth of the ſame with his reaſonable coſts and charges in this behalf moſt wrongfully ſuſtained.

A De-

A Demurrer for that the Bill charges the Defendant with several promises to recompence the Complainant for solicitation in this Court and for protection given the Defendant by the Plaintiff against Treasons and undue practices committed.

The Demurrer of *J. S.* and *E.* his Wife Defendants to the Bill of Complaint of *R. H.* Complainant.

The said Defendants by protestation not confessing or acknowledging all or any of the matters or things in the said Bill of Complaint contained to be true in such manner and form as in the said Bill of complaint is set forth For Demurrer thereunto or to so much thereof as these Defendants are advised they need not answer they these Defendants say that there appeareth no matter of equity charged in the said Bill for the principal matters for which the said Complainant seeketh relief thereby But that the same is exhibited to perplex vex and charge these Defendants causelessly For that he the said Complainant may have and take his Action at Law against these Defendants for all and every the matters and things he complains of in and by his said Bill of Complaint and may thereupon recover what he pretends to be due to him upon any the special agreements by him pretended and promises suggested to be made by

by this Defendant *J. S.* for recompence for any the matters or things by him in his said Bill set forth And these Defendants for farther Demurrer say that the said Complainants Bill is not onely void of equity But (as these Defendants are informed) full of scandalous and disgracefull charges and suggestions against these Defendants As that this Defendant *J. S.* is indebted or obliged to him the said Complainant for his protection or safety from divers Treasons and other undue practices by him the said Complainant in his said Bill supposed to be charged on this Defendant *J.* before *J.* Lord *B.* and Major General *S.* whereas this Defendant is altogether thereof guiltless and was never nor could nor can be therewith charged And also in charging this Defendant *E.* with deceiving him the said Complainant of several sums of money which (if any such thing were) this Defendant saith he hath a more legal remedy to take against this Defendant for the same than by such allegations in his Bill in this honourable Court And these Defendants farther say That the said Bill of complaint is not onely scandalous (as they conceive) to them these Defendants but also on this honourable Court As that the said Complainant should by his said Bill entitle himself of *S.* in the County of *M.* Poulterer And afterwards for solicitation of a cause in this honourable Court and elsewhere for such time as in the Bill is mentioned should require and pretend to deserve there-

therefore the ſum of one hundred pounds For all which apparent cauſes theſe Defendants do demurr and abide in Law and humbly demand the judgment of this honourable Court whether they ſhall be compelled to anſwer *&c.*

Demurrer to be relieved againſt Bonds pretending the Debts therein were not juſt and after judgments obtained upon them and againſt the Defendant's Bail at Law and a Levy had.

The Demurrer and Anſwer of *C. S.* Defendant to the Bill of complaint of *T. L.* Complainant.

The ſaid Defendant by proteſtation ſaith That the ſaid Bill of complaint is very inſufficient in the Law to be anſwered unto and ſuch as this Defendant by the Law of this his Majeſty's Realm of *England* is not bound to make any Anſwer unto For this Defendant ſaith that it doth not appear by the ſaid Bill of complaint that the ſaid Complainant is any ways indebted to his Majeſty or otherwiſe enabled to ſue in this honourable Court And this Defendant alſo ſaith that it likewiſe appeareth by the ſaid Bill of complaint that the ſaid Complainant did voluntarily enter into the ſeveral Bonds in the ſaid Bill of complaint mentioned for juſt and due debts then owing by the ſaid Complainant unto this Defendant And there-

fore

fore the ſaid Complainant by the Law of this Realm of *England* ought not to be admitted to diſable or ſtultifie himſelf but is and ought to be concluded and eſtopped by his Deeds under his Hand and Seal And the ſaid Complainant ought not now to be received to ſay or plead that the ſeveral ſums of money contained and expreſſed in the ſaid ſeveral Bonds are not juſt debts or not truly due from the Complainant to this Defendant And this Defendant farther ſaith that the moneys due upon the ſaid ſeveral Bonds being unpaid this Defendant in or about the Month of *J.* now laſt paſt did cauſe the ſaid Complainant to be arreſted in *L.* upon the ſaid Bonds and having declared thereupon and being ready for a Tryal there The ſaid Complainant did procure the ſame Action to be removed from thence into the Office of Pleas of his Majeſty's Court of Exchequer And this Defendant proceeding in the ſaid Action in the ſaid Office of Pleas the ſaid Complainant in Michaelmas Term laſt appeared And this Defendant declared upon the ſaid Action and in Hillary Term laſt this Defendant obtained Judgment upon the ſaid Bonds againſt the ſaid Complainant by *nihil dicit* And in the ſame Term this Defendant procured a Writ of *Capias ad ſatisfaciend.* to be ſued out againſt the ſaid Complainant and returned with a *non eſt inventus* Whereupon this Defendant cauſed a Writ of *Sc. fac.* to be ſued out of the ſaid Court againſt *J. Id.* and *A. K.* the

the Manucaptors of the said Complainant in the said Action returnable *quindena Paschæ* last And an *al' scire facias* returnable *quinque Paschæ* next To which Writ the said Manucaptors have appeared So that the said several Bonds being now passed and transferred into a Judgment Therefore the said Complainant ought not nor can be relieved against the said Bonds But ought (if there had been any just cause) to have brought his Writ of Errour upon the said Judgment or ought to have prayed relief in this Court against the said Judgment if there had been cause and not upon the said Bonds For all which causes this Defendant doth demur and abide in Law upon the insufficiency of the said Bill of Complaint and doth humbly demand the judgment of this honourable Court if he this Defendant shall be compelled to make any farther or other Answer thereunto And if this Defendant shall be compelled to make any farther Answer to the said Bill of Complaint Then and not otherwise (All advantages of exceptions to all and every the uncertainties and insufficiencies of the said Bill of complaint to this Defendant now and at all times hereafter saved and reserved) This Defendant for Answer unto the said Bill of complaint saith That true it is that about three or four years since the said Complainant repaired unto this Defendant and was desirous to have this Defendant being a Taylor to make him some Cloaths which this Defen-

dant did accordingly and made the said Complainant four several Suits to the good contentment of the said Complainant as he then pretended And this Defendant saith that true it is also that at or about the Month of *S.* which was in *Anno Dom.* 1639. the said Complainant did deliver unto this Defendant a piece of broad Woollen Cloth containing about four yards and a half of the value or price of sixteen shillings *per* yard or thereabouts which this Defendant did cut out use and employ for and towards the making of a Suit and Cloak for the said Complainant And this Defendant having so used the said Cloth and made up the said Cloathes and afterwards done some other work for the said Complainant he this Defendant repaired unto the said Complainant and delivered unto him several Bills of the particular sums of money by him disbursed and laid out for the use of the said Complainant about the trimming and finishing of the said Cloaths together for his pains and workmanship about the making thereof amounting in all to the sum of 14*l.* 11*s.* 5*d.* or thereabouts But how many of the said Suits were made of Stuff and how many of Cloth or what were the quantities of the said Stuffs or Cloths this Defendant doth not now well remember And this Defendant doth not know of whom the said Cloth or Stuff for the said Suits were bought nor what were the several prizes of the same For that this Defendant did not buy

buy the ſame but the ſame were delivered by the ſaid Complainant or by his direction unto this Defendant And this Defendant ſaith that upon delivery of the ſaid Bills he this Defendant did expect to have received part of payment and ſatisfaction of and for the moneys thereupon due But the ſaid Complainant at that time pretending that he could not ſpare ſo much money earneſtly requeſted this Defendant to forbear him for ſome ſhort time faithfully promiſing payment thereof unto this Defendant which this Defendant was contented to do And this Defendant ſaith that the ſaid Complainant at ſeveral times after and by ſeveral payments did pay unto this Defendant the ſum of 6*l.* 5*s.* So that there remained due unto this Defendant for and upon the ſaid ſeveral Bills for the ſaid Suits the ſum of 8*l.* 6*s.* 5*d.* And this Defendant farther ſaith that about three or four months after the ſaid Complainant again repaired unto this Defendant and pretending that he was to marry with a Gentlewoman of a great fortune did earneſtly deſire this Defendant to give him credit for a good Suit of Cloaths promiſing this Defendant to give him ſecurity not onely for the ſum of 8*l.* 6*s.* 5*d.* then remaining unpaid of the ſaid ſeveral Bills but alſo for payment of ſuch ſum of money as the ſaid Suit of Cloaths ſhould come unto within ſhort time after Whereupon this Defendant (then having a very fair Suit and Cloak of grey Cloth lined with black Pluſh

lying by him to sell which had been but little or not at all worn and which not long before cost twenty pounds at the least) he this Defendant did furnish the said Complainant with the said Suit and Cloak For which the said Complainant did agree and was to pay unto this Defendant the sum of ten pounds one shilling and four pence And thereupon the said Complainant together with *R. W.* in the Bill named (who at that time was a mere stranger to this Defendant) by their Bond or Writing obligatory bearing date the thirteenth day of *J.* which was in the seventeenth year of his Majesty's Reign that now is of *England &c.* did become jointly and severally bound unto this Defendant in the sum or penalty of twenty pounds of lawfull money of *England* with condition thereunder written for the payment unto him this Defendant of 10 *l.* 1 *s.* 4 *d.* of like lawfull money of *England* on the twentieth day of *A.* then next ensuing And this Defendant farther saith that within two days after the entring into of the said Bond *viz.* on the fifteenth day of the said month of *J.* in the said seventeenth year of his Majesty's Reign the said Complainant for the securing of the said sum of 8 *l.* 6 *s.* 5 *d.* then remaining unpaid of the said several Bills did alone become bound unto this Defendant in one other Bond of the sum or penalty of sixteen pounds conditioned for the payment of the sum of eight pounds on the sixteenth day of *A.* then also next coming as by

by the said two several Bonds or Obligations and Conditions ready to be shewed unto this Honourable Court (and whereunto this Defendant for the more certainty in that behalf referreth himself) more at large it doth and may appear And this Defendant also saith as herein formerly he hath said that the said several sums of money due upon the said two Bonds being unpaid this Defendant was forced to bring and did bring his several Actions at Law upon the said Bonds against the said Complainant and hath thereupon obtained judgment as aforesaid as lawfull was for him this Defendant to doe And this Defendant doth utterly deny that the said Complainant by the means of the said *R. W.* was drawn into acquaintance with this Defendant or that the said *R. W.* (before the entring into of the said Bond of twenty pounds with the said Complainant unto this Defendant as aforesaid) ever had much or any dealing with this Defendant or that he this Defendant pretended that the said *R. W.* (before the entring into of the said Bond) was indebted unto this Defendant for Cloaths or otherwise Or that it is also true that the said Complainant upon any the pretences in the Bill specified or otherwise was drawn or perswaded to become bound or was bound for the said *R. W.* for securing of the sum of ten pounds or of any other sum of money whatsoever due or pretended to be due by the said *R. W.* unto this Defendant as by the said Bill of Complaint

is suggested And this Defendant doth also utterly deny that he this Defendant did or had any reason to promise that neither the said Complainant or the said *R. W.* should by reason of the said obligations be constrained to pay any more money for the same than that which this Defendant should pay for the making up of the said Apparel Or that the same did not amount unto above forty shillings as by the Bill is also supposed And this Defendant confesseth it to be true that he this Defendant doth refuse to accept of the sum of forty shillings for the money due by the said Complainant unto this Defendant as he conceiveth it lawfull for him to doe And that it is also true that the said sum of 10*l.* 11*s.* 4*d.* being unpaid this Defendant caused the said *R. W.* to be arrested upon the said Bond of twenty pounds and was imprisoned some small time for the same But this Defendant denieth that the said *R. W.* was detained in Prison until that he had paid the said sum of ten pounds or given other security for the payment thereof Or that he the said *R. W.* or any other for him upon the said arrest or at any time since or before have or hath paid or secured to be paid the said sum of ten pounds or any part or parcel thereof unto this Defendant or to any other to his use As by the said Bill of complaint is also suggested For this Defendant saith that upon the said Arrest the said *R. W.* did put in Bail to the said Action and the same doth yet remain undetermined

termined And without that that it is true that this Defendant did pretend that the money to be diſburſed for Cloth would amount unto the ſum of eight pounds Or that thereupon the ſaid Complainant by the perſuaſion of the ſaid *R. W.* to this Defendant's knowledge did become bound in the ſaid Bond of 16*l.* for payment of the ſaid ſum of eight pounds Or that it is alſo true that this Defendant knoweth that there is not really and truly due upon the ſaid Bond above ten pounds or thereabouts And without that that any other matter or thing in the ſaid Bill of complaint contained material or effectual in the Law to be offered unto and not herein ſufficiently anſwered unto confeſſed and avoided traverſed or denied is true All which matters this Defendant is ready to aver maintain and prove as this Honourable Court ſhall award and humbly prayeth to be diſmiſſed forth of the ſame with his reaſonable coſts and charges in this behalf moſt wrongfully ſuſtained.

CERTIORARI.

Certiorari to remove a Bill out of the Majors Court into Chancery.

REX &c. Majori Aldermannis & Vic' Lond' salutem volentes certis de causis certiorar' de & super quandam peticionem sive billam querelos' coram vobis seu vestrum aliquo versus C. D. adsc. A. B. nuper exhibit' & modo pendent' vobis mandamus quod peticionem sive billam predictam cum omnibus ea tangen' quibuscunque nominibus partes predicte censeantur seu eorum aliquis censetur nobis in Cancellar' nostram adeo plene & integre prout in Custodia vestra vel alicujus vestrum nunc residunt sub sigillis vestris distincte & aperte mittatis indilate Et hoc breve ut ulterius inde fieri faciamus quod de jure fuerit faciend' T. R. &c.

A Writ

A Writ to certifie certain Depositions of Witnesses examined in perpetuam rei memoriam by virtue of a Dedimus Potestatem.

Rex &c. Dilectis nobis *A. B.* &c. salutem Volentes certis de causis quod Barones de Scaccario nostro apud Westmonasterium per vos certiorentur de & super tenor' omnium & singularum examinacon' & depositon' quarumcunque testium tam ex parte &c. per vos aut duos sive plur' vestrum virtute Brevis nostri de Dedimus Potestatem vobis aut duobus sive plur' vestrum direct' examinat' & capt' que in custod' vestra aut alicujus vestrum adhuc remanent & penes vos aut duos vestrum jam residunt (ut dicitur) vobis igitur & cuilibet vestrum mandamus quod tenores examinacon' & depositon' Testium pred' cum omnibus ea tangen' quibuscunque nominibus censeantur coram Baronibus nostris predict' in dictum Scaccarium nostrum apud Westm' predict' à die Ste' Trinitat' in tres septiman' sub sigillis vestris aut duorum sive plur' vestrum clausis distincte & plene mittatis una cum hoc brevi nostro Teste &c. Per ordinem Curie & per Baron'.

A Cer-

A Certiorari *to the Commissary and Registr of the Prerogative Court to certifie a Bond made to the late pretended Keepers of the Liberty of* England.

Rex &c. Dilecto & fideli *W. M.* Mil' Legum Doctori Curie Prerogative Cantuar' Magistro sive Commissario legittime constitut' Ac dilecto nobis *M. C.* Ar' Registrar' Curie Prerogative Pred' salutem Volentes certis de causis quod Barones de Scaccario nostro apud Westm' per vos certiorentur de & super quodam scripto obligatorio in quo *F. H.* de Parochia Sancti Michaelis Lond' Gen' tenetur nuper pretens. Custodibus Libertatis Anglie auctoritate Parliamenti in quadragint' libris bone & legalis monet' Anglie dat' vicesimo tertio die Februarii Anno Domini stilo Angl' 1648. vobis precipimus quod illud Scriptum obligatorium una cum omnibus idem tangen' adeo plene & integre prout coram vobis ad presens residet sub sigillis vestris aut unius vestrum vos aut unus vestrum mittat' sive mittat prefat' Baronibus nostris de Scaccario nostro quam citius &c. tandem quarto die Julii una cum hoc brevi ut iidem Barones nostri superinde ex parte nostra fac' quid inde fuerit faciend' Teste &c. Per ordinem Curie hoc Termino fact' & per Barones.

Pro-

Procedendo *in* London *after a* Certiorari *to remove an Engliſh Bill out of the Major's Court.*

Rex &c. Majori & Aldermannis Civitatis Lond' ſalutem Cum vobis per breve noſtrum nuper precepimus quod quandam Billam Anglicanam una cum omnibus ea tangen' in Curia noſtra coram vobis ſecundum conſuetudinem Civitatis predict' verſus *W. W.* Defendentem adſ. *M. O.* Ar' Querentis penden' nobis in Curiam Cancellar' noſtre ad certum diem jam preteritum certificetis quibuſdam tamen certis de cauſis nos ſpecialiter moven' vobis mandamus quod in materia predict' inter partes pred' brevi noſtro pred' non obſtante ea celeritate qua poteris procedatis *T. R.*

Words of courſe.

Cum etiam Regius. dicte Cur' nobis in preniſſis certificet in hec verba.

COM-

COMMISSIONS.

A Commiſſion to a Maſter in Chancery to examine Witneſſes concerning an Accompt.

Rex &c. Dilecto ſibi *A. A.* Aſſ' uni Magiſtrorum Cur' Cancellar' noſtre ſalutem Sciatis quod nos de fidelitate & provida circumſpectione veſtra plurim' confidentes &c. authoritate &c. teſt' quoſcunque ad illuſtrand' veritat' compoti juxta tenor' & veram intentionem cujuſdam ordin' coram nobis in Cancellar' noſtra pred' decimo quarto die Julii ult' preterito inter *R. B.* querentem & *B. C.* & al' defendentes fact' & reddit' diligenter examinand' Et ideo tibi mandamus quod diebus horis & locis ad hoc congruis & opportunis executionem premiſſorum diligenter intendas Et ideo tibi mandamus quod teſtes predictos & eorum quemlibet per ſe ſeparatim tangen' & concernen' veritate premiſſorum ſuper ſacramenta ſua coram te prius tact' ſacroſancta Dei Evangelia corporaliter preſtand' diligenter examines faciens in premiſſis juxta directionem & veram intentionem ordinis pred' Et cum hoc feceris tunc nos de veritate premiſſ. per relationem tuam in ſcriptis omni celeritate qua poteris in Cancellar' noſtram

nostram predictam ubicunque tunc fuerit red-dus certiores *T. R.* &c.

A Commission to examine Sequestrators and take their Accounts.

Rex &c. *A. B. C. D. E. F.* salutem Cum per quandam ordinem in Curia Cancellarie nostre nuper fact' & reddit' inter *J. K.* & al' querentes & *R. T.* & al' defendentes gen' dat' decimo die Novemb. ultimo preter' ordinat' existit inter alia quod *Thomas Bird* Miles unus Magistrorum in Cancellaria nostra pred' revideret relationem suam geren' dat' decimo quinto die Julii ult' preterit' & ad certitudinem reduceret Compm' tangen' prefat' terrarum sequestrat' super Sacramenta sequestrator' in ordine pred' mentionat' sciatis quod nos de fidelitatibus & providis circumspectionibus vestris plurimum confidentes assignavimus ac tenore presentium tam in Complemento ordinis pred' quam discretionis dicti Magistri Curie nostre predict' superinde decimo sexto die Julii Instant' per relationem suam dict' damus vobis tribus vel duobus vestrum plenam potestatem & authoritatem Sequestratores predictos tres vel duos eorum tangen' materiam predictam diligenter examinand' Et ideo vobis tribus vel duobus vestrum mandamus quod ad certos dies & locos quos ad hoc provideretis Sequestratores tres vel duos eorum coram vobis tribus vel duobus vestrum venire faciatis & evocetis ac ipsos super

per sacramenta sua tact' per ipsos prius coram vobis tribus vel duobus vestrum sacrosanctis Dei Evangel' corporaliter prestand' diligenter tangen' materiam pred' examinetis Compa'que sua sic per vos tres vel duos vestrum capt' in Script' in pargameno redigat' Et cum il' sic ceperitis eam nobis in Cancellariam nostram pred' sine dilatione ubicunque tunc fuerit reddatis certiores & hoc breve factur' in premissis juxta tenorem & veram intentionem ordinis & relationis predict' cujus tenorem vobis mittimus per latorem presentium Teste Rege apud Westm'

A Commission to assign a Guardian to an Infant.

Carolus &c. Dilectis &c. salutem Cum *A. B.* quer' quandam Petitionem coram nobis in Cancellaria nostra versus *C. D.* Infant' defendentem infra etatem nuper exhibuerit Sciatis quod nos de fidelitatibus & providis circumspectionibus vestris plurimum confidentes damus vobis tribus vel duobus vestrum potestatem & authoritatem in Complemento cujusdam Ordinis dicte Curie nostre inter partes pred' fact' geren' dat' presenc' Guard' prefat' *C. D.* Infan' quem Infans pred' elegit ad respondend' & defendend' dictam Sectam prefat' quer' admittendi & assignandi Et ideo vobis &c. quos ad hoc provideritis Infantem predictam coram vobis tribus vel duobus vestrum venire faciat' & evocetis ac Guardian' Infan' pred' admittetis & assignetis Et cum sic

scifeceritis nos de nomine Guardian' pred' in dictam Cancellariam nostram à die &c. ubicunque tunc fuerit &c. distincte & aperte reddatis certiores & hoc breve nobis etiam remittên' *T. R.* &c.

A Commission to examine one of the Defendants concerning a Cabinet and what was contained in it.

Rex &c. Dilectis &c. salutem Cum per quendam ordinem coram nobis in Curia Cancellar' nostre nuper fact' sine auditu materie inter *R. T.* & Uxorem Administratricem *W. C.* defuncti querent' *A. C.* viduam & relict' *J. C.* & al' defendent' geren' dat' tricesimo die Octobris ult' pro causis & diversis rationibus in dicto ordine expressis ex parte prefat' Quer' ordinat' exist' quod breve nostrum de Commission' e dicta Cancellar' nostra emanaret pro examinatione prefat' defendentis *A. C.* vidue de & super quibusdam Interrogatoriis tangen' vel concernen' quandam Cistulam sive Arculam seu Arcam anglice vocat' *a Cabinet* in dicto ordine mentionat' Et que qual' seu quot fact' Bill' Script' obligator' specialitat' gem' & al' in eadem content' sunt vel fuerant & verum valorem eorundem prout in ordine predicto plenius continetur sciatis igitur quod nos de fidelitatibus & providis &c. assignavimus vos ac tenore presentium damus vobis plenam potestatem & authoritatem dictam defendentem *A. C.* de & super interrogat' predictis

predictis ad proposit' pred' presentibus interclus. ex parte prefat' Quer' vobis tribus vel duobus vestrum ministrand' mandamus quod ad certos dies & loca quos ad hoc providiretis pred' defendentem Annam coram vobis tribus vel duobus vestrum venire faciatis & evocetis Ac ipsam defendentem de & super Interrogator pred' super Sacramentum suum tact' per ipsam prius coram vobis tribus vel duobus vestrum sacrosanctis Dei Evangel' ac omnia fact' perimpleatis & exequamini juxta sanas discretiones vestras & secundum tenorem & veram intentionem ordinis pred' examinationesq; suas superinde recipiatis & in Scriptis in pergameno redigatis Et cum ill' sic ceperitis eas nobis in Cancellariam nostram ubicunque tunc fuerit sub sigillis vestris trium vel duorum vestrum claus. distincte & aperte mittatis una cum Interrogat' pred' & hoc brevi ut inde fieri faciatis quod equitati consonans fore videbitur &c. *T. R.* &c.

A Commission to examine Witnesses upon Interrogatories and finally to determine a Cause depending in Chancery.

Rex &c. Dilectis sibi &c. salutem Cum quedam materia litis coram nobis in Cancellaria nostra inter *W. L.* & *S. H.* quer' & *G. L.* defendentem pendet indecis. partes predicte eandem materiam ex earum mutuis assensu & consensu vestris Arbitriis commiser' Sciatis quod dedimus vobis tribus vel duobus vestrum plenam

plenam potestatem & authoritatem testes quoscunque de & super quibusdam Interrogator' vobis vel tribus vestrum per partes pred' seu earundem alterum ministrand' diligenter examinand' & superinde materiam pred' audiend' & finaliter determinand' si possitis Et ideo vobis vel tribus vestrum mandamus quod ad certos dies & loca quos ad hoc provideritis partes pred' ac testes suos quos pro certificatione veritatis in premissis maxime necessar' esse videbitis coram vobis vel tribus vestrum venire faciat' & evocetis ac ipsos testes & eorum quemlibet per se seperatim de & super Interrogat' pred' super sacramenta sua coram vobis vel tribus vestrum super sacrosancta Dei Evangel' corporaliter prestand' diligenter examinetis ac inspectis depositionibus testium predictorum auditisque coram vobis vel tribus vestrum partium pred' propositis ac proponend' allegationibus intellect' ipsius rei veritate causisque ac invicem materiam omnibus viis modis & mediis quibus melius sciveritis aut poteritis juxta sanas discretiones vestras finaliter si poteritis determinetis Si autem causam pred' determinare non possitis nos de toto facto & progressu vestri in premissis in &c. ubicunque &c. una cum Interrogat' pred' & hoc brevi facien' in premissis secundum tenorem veramque intentionem ordinum pred' qui vobis mittamus per presentium latorem *T. R.* &c.

A Commission of Sequestration for Alimony.

Rex &c. Dilectis &c. Sciatis quod nos in Complementum cujusdam Ordinis coram nobis in Curia Cancellarie nostre inter *A. O.* quer' & *R. D.* Defendentem nuper fact' geren' dat' quarto die Junii Anno Regni nostri vicesimo tertio & alii cujusdam ordinis inter ipsas partes nuper etiam ibidem fact' geren' dat' vicesimo die Junii instant' assignavimus vos ac tenore presentium Damus vobis tribus vel duobus vestrum plenam potentiam & authoritatem Stat' pred defendentis in manus & possession' vestras vel duorum vestrum capiend recipiend' & sequestrand' ac exinde ad usum prefate quer' pro quarterial' solutione sex librarum per annum & arrerag' inde rec' duran' separatione inter partes pred juxta tenorem & veram intentionem ordinis decretal' inter partes pred' fact' & pronunciat' in pred' Cur' nostra geren' dat' primo die Februarii anno Dom. &c. Et ideo vobis vel duobus vestrum mandamus quod diebus horis & locis ad istum efficiend' congruis & opportunis in & super Statum pred' defendentis intretis Ac eundem in possessiones vestras vel duorum vestrum capiatis & recipiatis & sequestretis & exinde ad usum prefat' quer' pro quarterial' solutionibus sex librarum per annum & arreragiorum inde duran' tempore separationis inter partes predictas recipiatis ad usum ipsius quer' secundum tenorem Ordinis decretalis

talis & al' seperal' Ordin' pred' Et hoc nullatenus omittatis. *T. R.* &c.

A Commission to take the Answer of an Infant.

Carolus Rex &c. Dilectis sibi &c. Cum *I. W.* querens quandam Petitionem coram nobis in Cancellaria nostra versus *W. W.* Infantem per Guardianum suum defendentem super exhibuerit Quodque eidem defendenti per breve nostrum &c. Sciatis quod dedimus vobis tribus vel duobus vestrum potestatem & authoritatem ipsum defendentem per Guardianum pred. de & super materiam Petitionis pred. cum tenore &c. Et ideo vobis &c. quos ad hoc provideritis ad prefat. defend. Guardian. Infant. pred. si commode ad vos &c. accedatis ac ipsum defendentem per Guardianum suum de & super materia Petitionis pred. super sacramentum Guardiani Infant. pred. tact. per ipsum prius coram vobis &c. diligenter examinetis responsionemque suam eidem Petitioni fiend. recipiatis & in Scriptis in Pergameno redigatis &c. eam nobis in Cancellariam nostram &c. ubicunque tunc fuerit &c. *T. R.* &c.

A Special Commiſſion to examine the Witneſſes both of the Plaintiff and Defendant As alſo to examine the Defendants themſelves in purſuance of an Order of Court in that behalf made.

Rex &c. Dilectis &c. Sciatis quod nos de fidelitate &c. aſſignavimus vos &c. damus &c. poteſtatem & authoritatem teſtes quoſcunque de & ſuper quibuſdam Interrogatoriis tam ex parte *A. B.* quer. quam ex parte *J. F.* defendentis vobis tribus vel duobus veſtrum miniſtrand. ſeu deliberand. diligenter examinand. Necnon damus vobis &c. ulteriorem poteſtatem & authoritatem quoſdam *C. D. E. G.* & al. defendentes mentionat. in quodam Ordine hujus Curie geren. dat. nono die Inſtant. menſis Febr. ſuper quibuſdam Interrog. ex parte prefat. quer. vobis &c. exhibend. diligenter examinand. Et ideo &c. mandamus quod &c. quos ad hoc provideritis teſtes predictos necnon defendentes antedictos coram vobis &c. venire faciatis & evocetis ac ipſos teſtes & eorum quemlibet necnon defendentes prementionat. & eorum quemlibet per ſe ſeparatim de & ſuper Interr. pred. ſuper ſacramenta ſua tact. per ipſos prius coram vobis tribus vel duobus veſtrum ſacroſanct. Dei Evangel. corporaliter preſtand. diligenter examinetis Examinationeſque ſuas ſuper eiſdem recipiatis & in ſcriptis in pergameno redigatis Et cum eas ſic ceperitis eas nobis in Cancellariam noſtram in quindena Paſche ubicunque

cunque tunc fuerit ſub ſigillis veſtris trium vel duorum veſtrum clauſ. diſtincte & aperte mittatis unacum Inter. pred. & hoc brevi *T. R.* &c.

A Writ of Execution of a Decree The Maſters Report and Order of Court thereupon.

Rex &c. *A. B. C. D.* &c. ſalutem Secundum finale Judicium ſive Decretum coram nobis in Cancellaria noſtra inter *L. M. N. O.* & *P. Q.* quer & vos & al. defendentes nuper fact. & reddit. geren. dat. &c. *T. B.* Miles unus Magiſtrorum in Cancellar. noſtra cujus conſiderationi materia in Decreto pred. mentionat. per nos & dictam Curiam noſtram committebatur nobis in dicta Cancellar. noſtra (inter alia) certificaverit quod adtunc dicto querenti *A. B.* pro portionis ſue reſidio unacum dampnis & cuſtagiis per ipſum adtunc taxat. ſummam inſolut. remanſit centum viginti librarum octodecim ſolidorum & ſex denariorum inter eos equaliter dividend. ſimiliter inſolut. prout ex relatione dicti Magiſtri penes Reg'rarium Cur. noſtre pred. reſiden. plenius liquet & apparet Cumque per ſubſequentem Ordinem dicte Cur. Cancellar. noſtre inter partes pred. geren. dat. &c. certificat. pred. certificata & ſtabilita extiterit dict. Cur. noſtre authoritat. Nos ea que in Curia Cancellarie noſtre rite peracta ſunt inviolabiliter obſervata & ſancita volentes vobis firmiter injungendo precipimus quod dictas Summas viz.

—— illam pariter —— debito modo ſolvatis vel ſolvi faciatis reſpective juxta tenorem decreti Certificationis & Ordinis pred. Et hoc ſub periculo incumbenti nullatenus omittatis nec omitt. veſtrum aliquis quovis modo *T. R.* 19. Dec. 15. Car. 2.

A Commiſſion directed to a Maſter in Chancery to examine an Account.

Rex &c. Dilecto & fideli ſuo T. *E.* Militi uni Magiſtrorum Cur. Cancellar. noſtre ſalutem Scias quod nos de fidelitate & provida circumſpectione tua plur. confidentes aſſignavimus te ac ſecundum tenorem cujuſdam Ordinis coram nobis in dicta Cur. noſtra inter *J. J.* querentem & *J. W.* defendentem ac inter *R. W.* querent. & *I. S.* defendentem nuper fact. & reddit. geren. dat. decimo nono die Octobris ultimo preterit. damus tibi plenam poteſtatem & authoritatem teſtes quaſcunque tangen. Compm. in Ordine predict. mentionat. vel aliquam aliam rem Compm. pred. concernen. de & ſuper quibuſdam Interrogat. ſive aptis queſtionibus tibi per partes pred. ſeu eorum aliquem miniſtrand. tam ex parte dictorum quer. quam ex parte prefat. defendentium in ambabus Cauſis pred. diligenter examinand. Et ideo tibi mandamus quod ad certos dies & loca quos ad hoc provideritis teſtes pred. coram te venire facias & evoces ac ipſos & eorum quemlibet per ſe ſeparatim de & ſuper Interrogator. ſive aptis

Queſtio-

Queſtionibus pred. tangen. Compm. predict. vel aliquam aliam rem ut predicitur ſuper ſacramenta ſua prius tact. coram te ſacroſanctis Dei Evangel. corporaliter preſtand. diligenter examines Examinationeſque ſuas ſuper eiſdem recipias ac de toto facto & progreſſu tuo premiſſis in Cancellar. noſtram pred. ſine dilatione ubicunque tunc fuit. per relation. tuam certiores reddas faciens in premiſſis juxta directionem Ordinis pred. *T. R.* apud Weſtmonaſterium &c.

A Commiſſion to chuſe a Guardian and examine him upon Interrogatories.

Rex &c. Dilectis ſibi &c. *M. L. R. P.* &c. Ar. ſalutem Sciatis quod nos de fidelitatibus & providis circumſpectionibus veſtris plur. confidentes aſſignavimus vos ac in Complemento duorum (ſive quorumdam) Ordinum coram nobis in Cur. Cancellar. noſtre inter *G. T.* Adminiſtratricem *A. T.* Ar. defunc. quer. *E. R.* Infan. filiam *J. R.* Bar. defunct. & Hered. *J. W.* Bar. defunct. defend. fact. quorum prior. gerit dat. 26. die *J.* ult. pret. ulterior 11. die Inſtantis *J.* damus vobis vel duobus veſtrum plenam poteſtatem & authoritatem Guardianum pred. *E. R.* Infant. quem Infans pred. elegit (hoc tamen proviſo quod perſona ita pro Guard elect. non erit privileg.) ad defendend. dictam Sectam admittendi & aſſignandi Et ideo vobis tribus vel duobus veſtrum mandamus quod ad certos diem & lo-

cum quos ad hoc provideritis Infantem pred. coram vobis tribus vel duobus vestrum venire faciatis & evocetis Ac Guardianum Infantis pred. admittetis & assignetis Et cum sic feceritis Guardianum pred. super Interrog. his presentibus intercluſ. super sacramentum suum tact. per ipsum prius coram vobis tribus vel duobus vestrum sacrosanctis Dei Evangel. corporaliter prestand. diligenter examinetis Examinationesque suas super eisdem recipiatis & in scriptis in pergameno redigatis Et cum ill. sic feceritis ea nobis in Cancellar. nostr. ac nos de nomine Guardian. pred. à die sancti Michaelis in tres septimanas prox futur. ubicunque tunc fuerit sub sigillis vestris trium vel duorum vestrum clauſ. distincte & aperte mittatis unacum Interrog. pred. & hoc brevi faciend. in premissis juxta directionem Ordinis pred. *T. R.* apud Westm. &c.

A Writ of Dedimus Potestatem *to examine an Accomptant to the Truth of his Accompt.*

Rex &c. Dilectis nobis *A. L.* &c. Quia *J. F.* Ar. Capital. Collcor. Hundred. in Com. Eſſ. de omnibus denar. summis recept. pretextu separal. ordinanc. fact. onerat. super inhabitan. infra Hundred. pred. tricesimo die *J.* anno 1649. usque 24 *J.* 1660. adeo debilis & tantis infirmitatibus corporis ad presens detent. exiſtit quod pro timore mortis ad Scaccarium nostrum apud Westm. ad reddend. Compm. de pred. collectione personalit. accedere

cedere nequeat prout ex Sacramento *J. A.* coram Baronibus Scaccarii noſtri pred. preſtit. accepimus Nosq; de fid. induſt. &c. aſſignavimus vos fore Commiſſionar. noſtros ac vobis aut duobus ſive plur. veſtrum &c. per preſentes ad Compm. pred. *J. F.* de *L.* pred. pro tempore pred. ſuper Sacramt. ſuo coram vobis aut duobus ſive plur. veſtrum corporal. preſtand. recipiend Et ideo vobis mandamus quod ad pred. *J. F.* perſonaliter accedatis aut duo ſive plur. veſtrum perſonaliter accedant ac Compm. ſuum de Collec. predict. pro tempore pred. ſub Sacramento ejuſd. *J. F.* coram vobis aut duobus ſive plur. veſtrum corporaliter preſtand. juxta tenorem cujuſdam Schedul. preſentibus annex. & intercluſ. ab eodem *J. F.* recipiatis aut duo ſive plur. veſtrum recipiant Ita quod pred. Compm. ſuper Sacramento ſuo in forma pred. recept. mittatis aut duo ſive plur. veſtrum mittant ad dict. Scem. noſtrum apud Weſtm. quam citius poteritis aut duo ſive plur. veſtrum poterint & tand. &c. Baron. noſtris ſub ſigill. veſtris aut duorum ſive plur. veſtrum unacum hoc br. nro. ib. levand. Teſte &c. Rot!. Memorand. &c. & per Baron.

Dedimus *to chuſe a Guardian.*

Rex &c. Dilecto nobis (ut in al. Ded uſque per preſentes ad evocand. coram vobis aut duobus ſive plur. veſtrum *M. D.* Bar. Infan. infra etatem viginti & unus annorum qui comperuit in Cur. Scaccarii noſtri apud Weſtmona-

monaſterium per billam anglicanam ad Sectam *A. B.* verſus prefatum deſendentem Infan. & al. coram Cancellar. & Baron. de Scaccario noſtro apud Weſtm. nuper exhibit. & Guardian. prefat. Infan. eligend. aſſignand. & appunctuand. Et ideo vobis mandamus quod ad hujuſmodi diem vel locum ſive dies & loca quos vel que ad hoc provideritis aut duo &c. providerint circa premiſſa intendatis Ita quod Guardian. prefat. Infan. eligetis aſſignetis & appunctuetis Et cum ill. ſic feceritis Guardiani nomen ſic per vos aut duos ſive plur. veſtrum pro prefat. Infan. elect. aſſignat. & appunctuat. Baron. de Scaccario noſtro apud Weſtm. &c. ſub ſigillis veſtris aut duorum ſive plur. veſtrum clauſ. mittatis aut duo ſive plur. veſtrum mittant Et hoc breve Teſte &c. per Barones.

Dedimus poteſtatem *to take a Plea or Anſwer for the Defendant and to chuſe him a Guardian.*

Rex &c. Dilectis nobis *T. A.* &c. ſalutem Sciatis &c. Aſſignavimus vos *L. M. N. O.* per preſentem ad evocand. coram vobis aut duobus ſive plur. veſtrum *L. B.* Infan. deſendentem qui comperuit in Cur. Scaccar. noſtri apud Weſtm. per billam anglicanam adſ. *H. S.* Ar. verſus prefatum deſendentem Infan. & al. coram Cancellar. & Baron de Scaccario noſtro apud Weſtm. exhibit. & Guardian. prefat. Infanti eligend. aſſignand. & appunctuand.

and. Et prefat. Defend. & Guardian. de & ſuper mater. in billa ſive petitione pred. diligenter examinand. ac reſponſ. plit. ſive morat. ſuas ſuper eandem recipiend. & in ſcript. pergamen. redigend. Et ideo vobis mandamus quod viſo &c. ſive dies & loca quos &c. provideritis circa premiſſa diligenter intendatis aut duo ſive plur. veſtrum intendant Ita quod Guardian. prefat. Infan. eligetis aſſignetis & appunctuetis Et cum ill. ſic feceritis Guardian. pred. per vos aut duos ſive plur. veſtrum pro prefat. Infan. ſic elect. aſſign. & appunctuat. pro prefat. defend. de & ſuper mater. in billa ſive petitione pred. ſuper Sacramentum ſuum per ſancta Dei Evangel. coram vobis aut duobus ſive plur. veſtrum corporaliter preſtand. diligenter examinetis aut duo ſive plur. veſtrum examinent & reſponſ. plit. ſive morat. ſuas ſuper eandem recipiatis & in ſcript. Pargameno redigatis Et quod reſponſ. plit. ſive morat. pred. in forma pred. capt. Baron. de Scaccario noſtro apud Weſtm. &c. ſub ſigillis veſtris aut duorum ſive plurium veſtrum clauſ. mittatis aut duo ſive plur. veſtrum mittant unacum nomine Guardian. predict. & hoc breve Proviſo quod *H. L.* habeat. pro monic. per ſpac. ſex dierum de die & loco executionis hujus brevis noſtri Teſte &c. Per Ordinem Cur. & per Baron.

Dedi-

Dedimus *to take an Anſwer.*

Rex &c. Dilecto nobis *A. S.* &c. ſalutem Sciatis quod nos de fidel. induſtr. & providis circumſpectionibus veſtris in negotiis noſtris agend. plur. confiden. aſſignavimus vos ac vobis ac duobus ſive plur. veſtrum plenam poteſtatem & authoritatem damus & committimus per preſentes ad *J. D.* Defend. de & ſuper materia in Petitione ſive Billa anglicana per *J. C.* Clericum quer. coram Cancellar. & Baron. de Scaccario noſtro apud Weſtm. verſus ipſum nuper exhibit. diligenter examinand. & reſponſ. ſuam ſuper eand. recipiend. & in ſcript. in Pergameno redigend. ac ideo vobis mandamus quod viſ. tenore petitionis ſive Bill. quam vobis mittimus preſentibus annex. quod hujuſmodi diem & locum ſive dies & loca quos vel que ad hoc provideritis aut duo ſive plur. veſtrum providerint circa premiſſa intendatis aut duo ſive plur. veſtrum intendant Ita quod prefat. def. de & ſuper materia in Petitione ſive Billa pred. ſpecificat. ſuper ſacrament. ſuum coram vobis aut duobus ſive plur. veſtrum per ſancta Dei Evangelia corporaliter preſtand. diligenter examinetis aut duo ſive plur. veſtrum examinent Et qd. reſponſ. pred. in forma pred. capt. Baron. de Scaccario noſtro apud Weſtm. à die &c. ſub ſigillis veſtris aut duorum ſivè plur. veſtrum clauſ. mittatis aut duo ſive plur. veſtrum mittant & hoc breve proviſo quod *H. H.* habeat

pre

premonic. per ſpacium decem dierum de die & loco executionis preſenc. Teſte &c. & per Barones.

Dedimus Poteſtatem *to examine Witneſſes upon Interrogatories to prove a Contempt.*

Rex &c. Dilecto nobis &c. (ut ſupra) per preſent. ad Teſtes quoſcunque de & ſuper quibuſdam Articulis ſive Interrogator. tam ex parte *J. L.* quer. quam ex parte *J. S.* defend. ad proband. quend. Contempt. commiſſ. per *J. L.* contra ordinem per Cur. Scaccarii noſtri apud Weſtm. nuper fact. coram vobis aut duobus ſive plur. veſtrum exhibend. ſive deliberand. diligenter examinand. Ac ideo vobis mandamus quod ad hujuſmodi diem & locum ſive dies &c. provideritis teſtes predict. coram vobis aut duobus ſive plur. veſtrum venire faciatis & evocetis ac iſtos Teſtes & eorum quemlibet per ſe ſeparatim de & ſuper Articulis ſive Interrogator. pred. ſuper ſacramenta ſua coram vobis aut duobus ſive plur. veſtrum per ſancta Dei Evangel. corporaliter preſtand. diligenter examinetis aut duo ſive plur. veſtrum examinent Examinationeſque ſuas recipiatis & in ſcript. Pergameno redigatis Et cum ill. ſic ceperitis eas Baron. de Scaccario noſtro apud Weſtm. a die &c. ſub ſigillis veſtris aut duorum ſive plur. veſtrum clauſ. mittatis aut duo ſive plur. veſtrum mittant unacum Inter. pred. & hoc breve proviſo quod *L. O.* habeat pro premonic.

per

per ſpatium tredecim dierum de die & loco prime Seſſion. veſtre circa executionem hujus brevis Teſte &c. per Barones

Proviſo *That the Defendant pay half charges of the Commiſſion.*

Proviſo quod ſi prefat. Defend. examinaverit ullas Teſtes virtute hujus brevis ſolvat 9 *s.* 7 *d.* dimid. feod. hujus brevis.

Dedimus Poteſtatem *to take two Bonds to the uſe of the King.*

Rex &c. Dilectis nobis *A. B.* &c. ſalutem Sciatis quod nos de fidelitat. induſtr. & providis circumſpectionibus veſtris in negotiis noſtris agen. plur. confiden. &c. committimus per preſentes ad duo ſeparal. ſcript. obligat. quorum tenor. preſentibus annex. mittimus de *J. L.* & quatuor al. habil. & ſufficien. perſon. quas idem *J. L.* coram vobis aut duobus ſive plur. veſtrum produxit' viz. duobus in quolibet eorum ſcript. obligat. cum eodem *S.* obligand. in ſumma 200 *l.* & ad manucapiend. & aſſignand. ſub conditionibus & modo & forma juxta formam pred. tenor. eorundem duorum ſcript. obligat. ad uſum noſtrum recipiend. Et ideo vobis mandamus quod circa premiſſa ex parte noſtra agend. ad certum diem & locum ſive dies & loca quos vel que ad hoc provideritis diligentias veſtras adhibeatis Ita quod pred. precept. obligat. per ipſos

ſic

sic debit. sigill. & ad usum nostrum delibat. ceperitis habeatis coram Baron. de Scaccario nostro apud Westm. &c. Cur. nostre tunc ibidem sub sigillis vestris distincte & aperte una cum hoc breve Teste &c.

Dedimus Potestatem *to an Auditor to perform an Order of Court.*

Rex &c. Dilect. sibi *J. B.* Armiger. Auditori Revencon. Corone sue infra Com. *B.* salutem Scias quod nos de fidelitate industr. & provida circumspectione tua in negociis nostris agend. plur. confiden. assignavimus te ac tibi plenam potestatem & authoritatem damus & committimus per presentes ad omnia & singula que in quadam ordinatione Cur. Scaccarii nostri apud Westm. cujus tenor annexatur continentur exprimuntur & specificantur faciend. exequend. & perimplend. juxta vim formam & effectum ejusdem Ordinis Et ideo tibi mandamus quod ad hujusmodi diem & locum sive dies & loca quos vel que ad hoc provideris circa premissa diligenter intendas & ea omnia & singula facias & exequer. cum effectu in forma pred. Ita quod totum factum tuum in premissis habeatis coram Baron. de Scaccario nostro apud Westm. quam citius poteris in crastino Animarum sub sigillo tuo Curie nostre tunc ibidem unacum hac Com. liberand. Damus enim tibi plenam potestatem & authoritatem per presentes ad quascunque person. in premissis examinari idon.

coram

coram te evocand. ac de & in eisdem premissis sacrosanctis Dei Evangel. tactis per eos prius Corporaliter prestand. diligenter examinand. ne hoc presens mandatum nostrum reman. ulterius exequend. Damus insuper omnibus & singulis Major. Vic. Ballivis Constabular. & aliis Officiar. & Ministr. & subdit. nostris quibuscunque tenore presentm. firmit. in mandat. quod tibi in executione premissorum pareant obediant & intendant prout decet periculo incumben. In cujus rei testimonium has literas nostras fieri fecimus paten. Teste &c. Per Rotul. Memorand de eodem Anno Regis hujus Michaelis Commission. & Literarum Paten. Rotulo &c. Et per ordinem predict. per Barones.

A Commission of Rebellion.

Rex &c. Dilectis nobis *A. B.* & *L. M.* salutem Quia *J. L.* (cui per publicas Proclamation per Vic. Com. nostri *G.* ex parte nostra precept. fuit) quod ipse idem *J.* sub pena ligeanc. sue nobis per ipsum debit. personalit. compareret coram Baronibus de Scaccario nostro apud Westm. ad certum diem jam preterit. Mandato tamen nostro in ea parte parere vero manifeste contempsit Ideo vobis & cuilibet vestrum conjunctim & divisim mandamus quod non omitt. propter aliquam libertatem quin eam ingred. & prefat. *J. L.* ubicunque invent. fuerit infra hoc regnum Anglie Domin. Wallie aut Vil. Berwici super Tweedam

dam tanquam Rebellem & legis nostre contemptorem attachiatis vel attach. faciatis aut unus vestrum attachiat vel attachiari fac. Ita quod habeatis vel haberi faciatis aut un. vel plur. vestrum habeat vel habere faciat corpus ejus coram Baron. de Scaccario nostro apud Westm. quam citius poteritis aut unus sive plur. vestrum poterit & tandem decimo die J. prox. futur. ad respond. nobis de his que ei tunc & ibidem objicientur & ulterius fac. & rec. in premissis quod Cur. nostra tunc ibidem cons. in hac parte Damus etiam omnibus & singulis Majoribus Vic. Ballivis Constabular. & al. Officiar. Ministris & Subditis nostris quibuscunque tenore presentium firmiter in mandat. quod vobis & cuilibet vestrum in executione presentium auxilian. & assistentes sint prout decet periculo incumben. In cujus rei testimonium has Literas nostras fieri fecimus Paten. Teste &c. Per Rot. Memorand. de eodem Anno Regis hujus Mich. Commiss. & Literas Paten. Ro. &c. & per Baron.

A Bond on a Commission of Rebellion.

Noverint universi per presentes nos *L. M.* de T. in Com. Surr. Ar. & *F. G.* de &c. teneri & firmiter obligari *Harbottle Grimstone* Barto. Magistro Rotulorum in centum Libris bone & legalis monete Anglie solvend. eidem *Harbottle* aut suo certo Attornato Executoribus vel Administratoribus suis Ad quam quidem solutionem bene & fideliter faciend.

obligamus nos heredes Executores & Administratores nostros per se pro toto & in solido firmiter per presentes Sigillis nostris sigillat. dat. &c. die April. Anno Regni Domini Caroli secundi &c. decimo nono Annoque Domini 1667.

The Condition of this present Obligation is such that if the above bounden *L. M.* Esq; shall and do personally appear before our Sovereign Lord the King in his Majesties High Court of Chancery in fifteen days next after Easter now coming upon a Commission of Rebellion issued out of the said Court against him at the Suit of *R. T.* and shall answer as well for his said Contempt as all such things as shall be then and there objected against him and doe and perform what the said Court shall award in that behalf then this present Obligation to be void otherwise to stand and be in full force, *&c.*

A Commission to several Persons as Arbitrators to hear and examine and finally to determine several Suits in Equity depending in this Court as also at Common Law between the Parties named in the Commission.

Rex &c. Dilectis nobis *R. N.* Ar. & *J. W.* Gen. salutem Cum nonnulle lites & Controversie coram Cancellar. & Baronibus de Scaccario nostro apud Westm. necnon ad legem permot. & incept. fuerunt inter *J. S.* Gen.

Quer.

Quer. & *W. M.* & *E.* Uxorem ejus & *E. B.* Defend. tangen. &c. pro finali determinatione quarum quidem lit. & controvers. inter partes pred. ex eorum assensu vestris Judiciis & Arbitriis stare concordaverunt Sciatis igitur quod nos de fidelitate industr. & providis circumspectionibus vestris in negotiis nostris agend. plurimum confidentes assignavimus vos fore Commissionar. nostros & vobis aut duobus sive plur. vestrum quorum un. vestrum ex utraque parte elect. un. esse volumus plenam potestatem damus ad lites & controvers. pred. inter part. pred. indetis. pendeñ. audiend. examinand. finaliter secundum discretiones vestras aut duor. sive plur. vestrum quor. un. ex utraq; parte elect. un. esse volumus determinand. Et ideo vobis aut duobus sive plur. vestrum quorum un. vestrum ex utraque parte elect. un. esse volumus die Jovis decimo quinto instan. Mensis *J.* ad insigne Albi Cervi in *K.* in Com. nostro *K.* circa horam decimam ante meridiem diei circa premissa diligent. intendatis aut duo sive plur. vestrum quorum un. ex utraque parte elect. un. esse volumus intendant & caus. controvers. pred. diligenter audiatis ac ut melius in premiss. procedere valeatis damus vobis aut duobus sive plur. vestrum quor. un. ex utraq; part. elect. un. esse volumus plenam potestat. & authoritat. per presentes ad quascunque person. in premissis examinari easq; coram vobis aut duobus sive plur. vestrum quorum un. vestrum ex utraque parte elect. un. esse volumus evocand. per Sancta Dei Evange-

lia corporalit. prestand. diligenter examinand. examinationesque suas recipiend. & in script. in Pargameno redigend. ne hoc presens Mandat. nostrum reman. ulterius exequend. ac tam super inde quam lectis depositionibus in al. causis in hac Cur. penden. inter &c. & al. evidenc. ex utraque parte prosequend. Ac omnibus aliis viis & mediis quibus melius sciveritis aut poteritis aut duo sive plur. vestrum quorum un. vestrum ex utraque parte elect. un. esse volumus easdem controversias finaliter (ut predict. est) juxta sanas discretiones vestras determinetis aut duo sive plur. vestrum quor. un. ex utraque parte elect. un esse volumus determinent ut res postulat ac secundum justitiam & veritatem cause Ita quod totum fact. vestrum aut duorum sive plur. vestrum quorum un. vestrum ex utraque parte elect. un. esse volumus in premissis habeatis aut duo sive plur. vestrum quorum un. vestrum ex utraque parte elect. un. esse volumus habeant coram Baronibus de Scaccario nostro apud Westm. quam citius poteritis & tandem vicesimo tertio Instan. Mensis *J.* Cur. nostre tunc ibidem sub sigillis vestris aut duorum sive plur. vestrum ut supra un. esse volumus unacum hac Commissione ut iidem Baron. nostri ulterius in premissis fecerint & ordinaverint quod justitia in ea parte suadebit. damus etiam omnibus & singulis Majoribus Vic. Ball. Constabular. Officiar. & Subdit. nostris quibuscunque tenor. presenciu. firmiter in mandat. quod vobis & cuilibet vestrum in executione premissorum pareant obedi-

obediant & intendant prout decet periculo incumben. In cujus rei teſtimonium has literas noſtras fieri fecimus Patentes Teſte &c.

A Commiſſion to take the Anſwer of a Corporation under their Common Seal.

Rex &c. Dilectis ſibi *L. M. N. O.* ſalutem Cum *F G.* Quer. quandam Petitionem coram nobis in Cancellar. noſtra verſus *H. J.* Major. & Aldermannos Burgi & Paroch. de *L.* in Com. noſtro *M.* Defendentes nuper exhibuerit Quodque eiſdem Defendentibus per breve noſtrum nuper precepimus quod eſſent coram nobis in dicta Cancellaria noſtra ad certum diem jam preteritum Petitioni predicte reſponſur. Sciatis quod iidem Major & Aldermanni Burgi & Parochie pred. ſunt unum corpus incorporatum & queremon. ſub communi Sigillo Corporationis pred. reſpondere debeant Sciatis &c. quod dedimus poteſtatem vobis &c. reſponſionem predict. Majoris &c. eidem Petitioni faciend. cujus quidem tenor. vobis mittimus preſentibus interciuſ. ſub ſigillo communi Corporationis predicte debite & reſpective recipere Et ideo &c. ad vos laborare non poſſint accedatis ad reſponſionem eorundm Defendentium in Scriptis Pargameno redigatis ſub communi ſigillo Corporationis pred. Et ill. nobis in Cancellar. noſtram &c. ubicunque &c.

A Commission for Tenants of a Manner to examine Witnesses upon a Contempt.

Rex &c. Dilectis &c. Cum super intellectu materie litis & controversie in Cancellar. nostra inter *T. J.* & al. tenen Maner. de *N.* in Com. *N.* quer. & *M. R.* Executricem *R. R.* & al. defend. penden. breve nostrum de Injunctione concessum est eisdem *M F.* & *T. J.* ac omnibus al. aliquod jus Statum titulum clameu. interesse vel demand. de vel in Maneriis de *N.* in Com. *N.* per eos seu eorum alterum aut de vel ab aliqua nova dimissione capt. super sursumredditionem dimissionis predict. Et aut de vel sub titulo eorum vel eorum alicojus hered. claman. quiete & pacifice habere tenere uti possidere & gaudere omnes & singulas terras & tenementa sua in eadem Injunctione mentionat. absque molestatione sive impedimento eorum seu eorum alicujus juxta veram intentionem Injunctionis predict. prout in eadem Injunctione plenius continetur Ac pro eo quod informamur *W. L.* & *T. R.* Gen. spret. decret. in Cancell. nostra proinde fact. ac Injunctioni predict. parere contemnen. possession. quarumdam tenement. Maner. pred. disturbant contra tenor. Injunctionis pred. in contemptu nostri dicteq; Cur. nostre manifesto sciatis quod non nobis est quovis modo tollerand. nosque ordinem dicte Cur. nostre obedire volentes & contemptores inde debito modo puniri assignavimus vos ac tenore

nore presentium damus vobis vel duobus vestrum potestatem & authoritatem testes quoscunque de & super quibusdam Inter. per predict. quer. vobis tribus vel duobus vestrum exhibend. tangen. & concernen. contemptum per prefat. *H. L.* & *T. R.* seu eorum alterum commiss. ut predicitur diligenter examinand. Et ideo vobis tribus vel duobus vestrum mandamus quod ad certos dies & locos quos ad hoc provideritis conveniatis & assembletis ac testes predictos coram vobis tribus vel duobus vestrum venire faciatis & evocetis ac vos tenore Injunctionis predicte testes predictos coram vobis tribus vel duobus vestrum super Inter. pred. tangen. contemptum predictum super sacramenta sua super sacrosanct. Dei Evangel. corporaliter prestand. examinetis Examinationesque suas super eisdem recipiatis & in scriptis in Pergameno redigatis Et cum ill. sic ceperitis nobis in Cancel. nostram in Quindena Paschę prox. futur. ubicunque tunc fuerit sub Sigillis vestris trium vel duorum vestrum clauſ. distincte & aperte mittatis una cum Inter. predict. & hoc brevi Proviso semper quod *Q. L.* premonitionem per spatium octo dierum de die & loco ante executionem hujus Com. detis *T. R.* &c.

A Special Commiſſion on a Sequeſtration.

Carolus Rex &c. Dilectis ſibi &c. ſalutem Cum *R. G.* quer. quandam Petitionem ſuam coram nobis in Cancellar. noſtra verſus *R. R.* Defendentem exhibuit Cumque prefat. Defend. brevi noſtro de Subpœna ad queremon. pred. comparend. & reſpondend. debite inſevit. fuit ita tamen agere omnino recuſavit unde verſus eum ſeparal. proceſſ. dicte Cur. noſtre uſque ad ſervien. ad arma emanarunt Ac etiam pro eo quod ſerviens ad arma Curie noſtre predicte prefat. Defendentem nuſquam invenire certificavit velut per certificat. ſuam in ea parte manifeſte apparet Sciatis igitur quod nos equum & juſtum fieri volentes de fidelitat. & providis circumſpectionibus veſtris plur. confident. in complemento cujuſdam ordinis dicte Curie noſtre inter partes pred. fact. geren. dat. &c. dedimus vobis tribus vel duobus veſtrum plenam poteſtatem & authoritatem in & ſuper Meſſuag. terr. & tenement. pred. *T. R.* accedend. ingrediend. & intrand. ac omn. reddit. exit. & proficuum commoditat. & emolument. quecunque Meſſuag. terr. tenement. & hereditament. & real. Stat. pred. *R. R.* necnon omnia & ſingula bona & catalla quecunque & Stat. perſonal. prefat. *R.* ubicunque inveniri poſſitis in manus veſtras trium vel duorum veſtrum capiend. & colligend. ſeu levari capi & colligi faciend. illaque ſequeſtrand. prout eadem tenore preſentium

ſentium ſequeſtramus Et ideo vobis tribus vel duobus veſtrum mandamus quod diebus locis & horis ad hoc congruis & opportunis ad dict. meſſuag. terr. tenement. & hereditament. quecunque prefat. *R.* accedatis eademque intraretis & ingredimini ac omn. reddit. exit. & proficua commoditat. & emolument. quecunque pred. meſſuag. terr. tenement. & hereditament. ac Stat. real. necnon omnia & ſingula bona & cattalla & Statum perſonal. quemcunque prefat. *R.* ubicunque invent. fuerit vos tres vel duo veſtrum levetis capiatis & colligatis ſeu levari capi & colligi faciat. Illaque ſub hujuſmodi tuto & ſalvo ſequeſtro conſervetis & cuſtodiatis donec & quouſque prefat. *R. R.* queremon. predict. direct. reſponderit & contempt. omnibus ſuis plenar. ſatisfacerit dictaque Cur. noſtra aliter ordinaverit in hac parte ſpecialiter Teſte meipſo apud Weſtm. &c.

A Commiſſion to prove an Oath to be falſe.

Rex &c. Predilecto & fideli ſuo *O.* Domino *St. John* de *B.* ac dilect. ſibi *L. D. R. N.* &c. ſalutem Cum nuper in Curia Cancellarie noſtre ex parte *J. G.* Militis relatum fuit & ſuggeſtum erat per ſacramentum cujuſdam *R. L.* quod prefat. *J. G.* in craſtino ſancti Martini ult. preterit. ita laboravit adverſa valetudine & adeo impotens ſui extitit quod uſque dictam curiam noſtram Cancellarie predicte ad diem illum ad reſponſum ſuum *R. G.* Armigero

gero fiend. absque maximo corporis sui periculo non sufficiebat Et nos veritat. expectare & investigare volentes ut tutius & consultius prout Justicia in hac parte procedere valeamus per vos certiorare volumus Dedimus vobis igitur tribus vel duobus vestrum ac per presentes damus potestatem & authoritatem scrutandi inquirendi & investigand. tam super Articulis & Interrogatoriis per antedictum *R.G.* coram vobis tribus vel duobus vestrum deliberand. & ad testes quoscunque ministrand. quos maxime pro testatione premissorum fore videritis necessar. coram vobis evocand. Ac ipsos testes & eorum quemlibet tam de & super Articulis cum causis circumstantiis diligenter examinand. Examinationesque suas in scriptis redigend. quam omnibus aliis viis modis & mediis quibus melius sciveritis utrum presat. *R.G.* ita languidus fuit ad dictum diem crastinum Sancti Martini qd. absque periculo soi corporis laborare minime potuit Et ideo vobis tribus vel duobus vestrum mandamus qd. visis presentibus ac tenore Articulorum & Interrogator. pred. prefat. Reginald. ministrandorum & per vos plene intellectorum testes predict. quos in hac parte ut predict. est fore videritis necessarios evocetis coram vobis tribus vel duobus vestrum ad certos dies & loca quos ad hoc provideritis venire faciatis ac ipsos & eorum quemlibet de & super veritate premissorum super eorum sacramentis coram vobis corporaliter prestand. diligenter examinetis Examinationesq; suas recipiatis

ipiatis & in scriptis in Pergameno redigaris Et cum tunc sic feceritis nos inde in Cancellaria nostra de omni facto vestro in hac parte in Octabis Sancti Hillarii prox. futur. ubicunq; tunc fuerit sub sigillis vestris trium vel duorum vestrum clauſ. distincte & aperte mittatis & reddatis nos certiores unacum hoc brevi *T. R.* &c.

A Commission for the Sheriff to give possession.

Rex &c. Vic. Kanc. salutem Cum per quandam Ordinationem capt. in Cancellaria nostra tertio die Julii ultimo preter. inter *W. A.* Quer. & *W. G.* & al. Defend. ordinat. fuit quod predict. *W. A.* & Assignati sui pacifice & quiete haberent gauderent & occuparent unum Messuagium sive Tenementum cum pertinen. jacen. & existen. in *E.* & *R.* in Commitatu predicto inter partes predictas in Curia nostra predict. in controversia dependen. indecisa absque vexatione molestatione sive interruptione predict. *W. J.* sive aliquarum personarum sub titulo interresse Jure vel procuratione suis donec materia inter partes predict. in Curia nostra predict. finaliter determinetur Et quia Nos ex testimonio fide dignorum accepimus quod diverse alienigine ignot. inhabitant. extra Commitat. Kanc. per procuration. predict. defend. ut asseritur possessionem Messuag. & Tenemt. pred. vi & armis ac manuforti tenent in defraudationem & contempt. Ord. pred. Ac ipsum

W. A.

W. A. & Assignatos suos extra possessionem Messuagii & Tenementi predict. custodiunt contra formam & effectum ordinis predict. Tibi igitur precipimus quod immediate post receptionem hujus brevis assumpt. tecum sufficient. potestat. Commitat. nostri Kanc. predict. in propria persona tua ad Messuagium predictum sive Tenementum accedas & attachiari & arrestari facias quascunque personas ibidem inveneris possessionem Messuagii Tenementi sive terre predicte sive alicujus parcell. tenentes & eos ac eorum quemlibet de die in diem duci facias usque Prisonam nostram De le Fleet Guardiano nostro ibidem deliberand. & ibidem moratur. quousque de eorum deliberatione aliter duximus ordinand. ac ulterius tibi precipimus firmiter injungend. quod inde predict. *W. A.* & Assignos suos in pacifica & quieta possession. ejusdem de tempore in tempus manuteneas donec aliter inde à nobis habueris specialiter in mandatis Et quid inde fieri feceris nobis &c. *T. R.* &c.

A Commission to examine Witnesses in perpetuam Rei memoriam.

Rex &c. salutem Cum *H. B.* exhibuit coram nobis in Cancellar. nostra quandam Petition. ut quidam testes in perpetuam rei memor. vers. te examinarent Et ne tibi in prejudicium cederet tibi precipimus firmiter Injungentes quod omnibus aliis pretermissis & excusa-

excuſatione quacunque ceſſante in propria perſona tua vel per tuum Attornat. aut deputat. ſis coram nobis in Cancellaria noſtra intra quatuordecim dies immediate poſt receptionem hujus brevis Teſte &c.

A Commiſſion to take an Anſwer and to hear and determine.

Rex Dilectis ſibi *A. T.* & *R. S.* Ar. ſalutem cum *A. W.* quandam petitionem coram nobis in Cancellar. noſtra verſus *R. C.* nuper exhibuit Quodque eidem *R.* per breve noſtrum precipimus quod eſſet coram nobis in dicta Cancellaria noſtra ad certum diem jam preteritum ſub certa pena in dicto brevi noſtro contenta petic. predict. reſponſur. Sciatis quod aſſignavimus vos ac tenore preſentium damus vobis vel uni veſtrum poteſtat. & authoritat. reſponſionem prefat. *R.* ad petitionem predictam recipiend. & in ſcriptis in pergameno redigend. & quotieſcunque teſtes de & ſuper materia in petitione & reſponſion. predict. content. examinand. ac eaſdem materias juxta ſanas diſcreciones veſtras vel unius veſtrum audiend. & finaliter determinand. Et ideo vobis mandamus quod viſo tenore petitionis predicte quam vobis mittimus preſentibus interclusam prefat. *R.* coram vobis vel uno veſtrum venire faciatis Ac reſponſionem ſuam petion. predict. in forma predict. fiend. ſuper ſacram. ſuum recipiatis & in ſcriptis redigatis necnon teſtes predict. coram vobis vel uno

uno vestrum ad certos dies & loca quos a
hoc provideritis coram vobis venire faciati
& avocet. ac ipsos & eorum quemlibet de &
super veritat. petic. & responsion. predict. &
super Articulis omnibus & singulis premiss
qualitercunque concernen. super eorum si
crament corporalit. prestand. diligenter ex-
minetis examinationesque suas recipiend. &
incipiend. & in scriptis redigend Et cum
eas sic ceperitis eandem materiam partibus a
id vocat. visisque eorum scriptis & audit
tunc inde earum ro'nibus & allegationibus
omnibus viis modis & mediis quibus meli-
us sciveritis aut poteritis vel unus vestrum
sciverit aut poterit juxta sanas discretiones
vestras vel unius vestrum finaliter determinet
vel unus vestrum determinet sin autem nos de
omni eo qd. inde feceritis vel unus vestrum fe-
cerit in Cancellaria nostra sub sigillis vestris
vel unius vestrum in Quinden. Sancti Michaelis
prox. futur. ubicunque tunc fuit. distincte &
aperte reddat. certiores hoc breve una cum
petitione & responsione & testium examina-
tionibus predict. remittentes Teste &c.

Aliter.

Rex &c. *D. E.* salutem Quia de & super
veritate queremon. in quadam petitione co-
ram nobis in Cancellaria nostra per *C. T.*
versus *J. R.* & alios nuper exhibit. content.
ac de & super responsione per partes predictas
in hac parte facta et in eadem Cancellaria si-
militer

militer exhibit. necnon de & super omnibus articulis & circumstantiis queremon. & responsionem ill. concernen. & tutius & consultius pro justicia in eisdem exhibend. procedere valeamus vobis de quorum fidelitatibus & providis circumspectionibus plene confidimus dedimus vobis vel duobus vestrum plenam potestat. & authoritat. audiendi & examinandi materiam in petitione ac responsione pred. ac &c.

A Commission to take an Account and the Books relating thereto.

Rex &c. Dilecto & fideli suo *E. H.* Mil. & dilecto sibi *T. L.* Legum Doctori in Cur. Cancellar. nostr. Magistrorum duobus salutem Cum quidam &c. Sciatis &c. Authoritat. Comp. inter partes predict. super tota materia int. ipsos controversias reddend. capiend. & calculand. necnon omnes tal. libros & notas comp. qual. partes predicte produxerint coram vobis vel uno vestrum super sacr. sua per sancta Dei Evangelia coram vobis vel uno vestrum prestand capiend. eosdemque vidend. perlegend. & considerand. Ac ut tutius & consultius in premissis procedere valeatis vel unus vestrum procedit damus vobis vel uni vestrum potestatem & authoritatem Testes quoscunque & eorum quemlibet per se separatim de & super hujusmodi questionibus &c. examinand Et ideo vobis vel uni vestrum mandamus quod ad certos dies & loca quos ad hoc

hoc provideritis vel unus veſtrum providerit partes predictas ac teſtes ſuos predictos coram vobis vel uno veſtrum venire fac. & evocet. ac libros & notas Comp. & examinationes teſtium pred. & Comp. pred. videatis perlegat. & conſiderat. ac ſic per vos vel un. veſtrum viſis libris notis Comp. & examina. teſtium pred. & Comp. pred ſuper tota materia inter partes predictas controverſias capiatis calculetis & recipiat. aut unus veſtrum capiet recipiet & calculet facien. in premiſſis juxta directionem trium ſeparal. Ordin. dicte Cur. noſtre int. partes predict. fact. quorum un. geren. dat. &c. alt. vero &c. quorum etiam ſeparal. tenor. vobis mittimus per latorem preſene. Et cum ſic feceritis aut unus veſtrum fecerit tunc nos de toto facto & progreſſu veſtris vel unius veſtrum in premiſſis ſub manibus veſtrum vel unius veſtrum in dictam Curiam Cancellariam noſtram ſine dilatione ubicunque fuit. reddatis vel unus veſtrum reddat certiores hoc breve nobis tunc etiam remitten. ut ulterius inde fieri faciamus quod de jure fuit. faciend. T. R. &c.

A Com-

A Commission to chuse a Guardian for a Defendant who is old and doting.

Rex &c. Dilectis sibi &c. Cum *A. B.* quer. quandam Queremoniam coram nobis in Cancellaria nostra nuper exhibuit versus *L. J.* defen. Cumque accepimus quod dictus defend. ratione senectutis sive insane memorie est pro eo minus sufficien. Sectam pred. respondere & defendere Nos Statum ipsius defend. in hac parte prospicere volentes Sciatis igitur quod nos de fidelitat. & providis circumspectionibus vestris plurimum confidentes ac in complemen. cujusdam ordinis geren. dat. &c. assignavimus vos ac tenore presentium damus vobis tribus vel duobus vestrum plenam potestatem & authoritatem prefat. def. acceden. ipsamque inspiciend. & examinand. ac si sit insane memorie tunc Guardian. ejusdem def. nominand & appunctuand. Et ideo vobis tribus vel duobus vestrum mandamus quod ad certos diem & loc. quos ad hoc provideritis ad pref. def. si commode ad vos laborare non possit accedatis ac ipsum def. omnibus viis & mediis super statu suo quibus vos melius poterit. informare circumspecte inspiciatis & examinetis ac si inveniatis quod dictus defendens sit insane memorie tunc Guardian. dict. def. ad resp. & defendend. Sectam predictam nominetis & appunctuetis Et cum sic feceritis tunc nos de nomine dicti Guardian. & de toto facto & proces. vestris in premissis in Cancellariam

noſtram predictam ſine dilatione ubicunque tunc fuerit clauſ. diſtincte & aperte reddatis certiores hoc breve tunc nobis etiam remitten. *T. R.* &c.

A Commiſſion to examine Witneſſes where time and place are included.

Rex &c. ſalutem Sciatis quod nos de fidelitatibus & Providis circumſpectionibus veſtris plurimum confiden. &c. teſtes quoſcunq; de & ſuper quibuſdam Inter. tam ex parte *L. M.* quer. quam ex parte *T. P.* def. &c. diligenter examinand. Et ideo vobis tribus vel duobus veſtrum mandamus quod viceſimo tertio die Julii prox. futur. apud Hoſpicium vocat. *le White Hart in Lyon Lane* in Com. *N.* voſmetipſos aſſembletis ac teſtes predict. coram vobis tribus vel duobus veſtrum venire fac. &c. diligenter examinet. & ibidem in executione premiſſ. motamini quouſque compleyer. Examinationeſque ſuas recipiatis & in ſcript. in Pergameno redigatis &c. Teſte meipſo &c.

A Com-

A Commiſſion to impower Commiſſioners to ſell ſo many Timber Trees and to ſatisfie ſuch damage ſuſtained by any in their carrying away the ſame.

Rex &c. Dilect. &c. ſalutem Sciatis quod juxta tenorem cujuſdam Ordinis Cur. Cancellarie noſtre inter *T. T.* quer. & *P. P.* def. viceſimo nono die Februar. ult. preter. fact. & reddit. aſſignavimus vos ac tenore preſentium damus vobis plenam poteſtatem & authoritatem terras in ordine predicto mentionat. intrand. & aſſignand. tot arbores per eundem quer. ſuccidend. non exceden. numerum quingent. arborum quot convenient. ſumi poſſint relinquen. ſufficien. eſtoveria ad reparand. terr. & premiſſa ſatis neceſſar. ac etiam tarandi ac allocandi tenentibus premiſſorum recompenſationes per prefat. quer. fiend. pro tal. dampnis qual. per ſucciſſion. & aſportacon. arborum predictorum ſuſtinebunt & pro reparacon. metarum bundarum & ſepiment. premiſſorum Et ideo vobis mandamus quod executionem premiſſorum diligenter intendatis ac arbores predictas in temporibus tempeſtivis & convenien. ſucciden. arborum prox. ſequen. inter duos annos tunc prox. ſequen. juxta veram intentionem ord. pred. aſſignat. facien. in omnibus ut per ord. pred. ſtatut. eſt Et cum hoc feceritis tunc &c.

A Special Commiſſion to chuſe a Guardian for the Defendants (being Infants) by Order of Court.

Rex &c. Dilectis ſibi &c. quer. Cum *V. B.* & *T. J.* defend. pro eo quod Infantes ſunt & ideo minus ſufficien. ad proſequend. ſeu defend. ſectam predictam vel uſque ad Curiam abſque maximo ſuorum corporum periculo venire ſciatis quod nos &c. ac tenore preſentium in complement. cujuſdam ordinis in dicta Curia noſtra nuper fact. inter partes predict. geren. dat. viceſimo ſecundo die Decembris &c. Damus vobis tribus vel duobus veſtrum plenam poteſtatem & authoritatem nominand. eligend. & conſtituend Guardian. pro pred. defendent. ad proſequend. vel defendend. ſectam pred. Et cum ſic feceritis nos de toto facto & progreſſu veſtris & de nomine talis Guardian. in Cancellariam noſtram predict. ubicunque tunc fuerit ſub ſigillis veſtris trium vel duorum veſtrum diſtincte & aperte reddatis certiores unacum hoc breve Teſte meipſo &c.

A Special Commiſſion to hear and determine matters in controverſie depending in Chancery.

Rex &c. ſalutem Cum quedam mater. litis & controverſ. coram nobis in Cur. noſtra nuper mota & orta fuerunt & adhuc indeciſſ. & indeterminat. pendent inter *T. T.* querentem & *P.*

& *P. P.* defendentem Sciatis igitur quod in complement. cujuſdam ordinis inter eaſdem partes fact. & reddit. geren. dat. triceſimo die Septembris anno &c. Damus vobis vel tribus veſtrum plenam poteſtatem & authoritatem materias litis & controverſie pred. audiend. & conſiderand. ac finaliter & abſolute ſi poteritis determinand. Ac ut melius & tutius in premiſſis procedere valeatis damus etiam vobis tribus vel duobus veſtrum conſimilem poteſtatem & authoritatem teſtes quoſcunque ex altera parte partium pred. miniſtrand. ſive deliberand. diligenterque examinand. Et ideo &c. ac ipſos Teſtes & eorum quemlibet per ſe ſeparatim de & ſuper interr. pred. ſuper ſacramenta ſua (fact. per ipſos prius coram vobis tribus vel duobus veſtrum ſacroſanctis Dei Evangeliis) corporaliter preſtand. diligenter examinetis Examinationeſque ſuas ſuperinde recipiatis ac ſuperinde vos vel tres veſtrum ſeparales materias litis & conrroverſie pred. audiatis conſideretis & finaliter & abſolute ſi poteritis determinatis ſin autem materias predict. ſic finire & determinare habend. non poſſitis tunc vos vel tres vel duo veſtrum examinationes teſt. pred. in ſcriptis in Pergameno redigatis Et cum ſic feceritis eas nobis &c. (*vide concluſionem general. Com. ad examinand. Teſtes* &c.)

A Commission to take the answer of the Chief and Scholars of an University.

Rex &c. salutem Cum &c. *ut in general. Com. ad capiend. respons. usque ad hec verba*) diligenter examinetis (*tunc clausulam interferendo*) quia prefat. principal. & Scholar. sunt unum corpus corporatum ac per unanimum consensum respondere debent vobis tribus vel duobus vestrum mandamus quod respons. pred. principal. & Scholar. Petitioni pred. fiend. sub eorum communi sigillo recipiatis &c. (*ut in general. Commissione*) ac quod respons. def. predict. fiet super sacramenta sua tact. (*prout in Com. general.*)

A Commission to take a Nobleman's Answer upon Honour.

Rex &c. (*ut in Com. general. usque ad hec verba*) ac ipsum Def. super materiam Petitionis pred. attestantem super honorem suum coram vobis tribus vel duobus vestrum ac visis per seipsum sacrosanctis Dei Evangeliis diligenter examinetis responsionemque suam &c. (*prout in Com. general.*)

A Commiſſion to take the Anſwer of a Corporation.

Rex &c. (*prout in Com. general. uſque*) diligenter examinand. (*tunc hec aut ſimilia verba*) Et quia pred. defendentes ſunt unum corpus corporat. unanimo conſenſu conſuever, reſpondere Ideo &c. Reſponſioneſque ſuas eidem petitioni fiend. ſub communi ſigillo Ville predict. recipiatis &c. (*prout in Commiſſ. general.*)

A Commiſſion to examine upon Contempt.

Rex &c. Dilectis ſibi *J. S.* &c. ſalutem Sciatis quod nos de fidelitatibus & providis circumſpectionibus veſtris plurimum confidentes aſſignavimus vos ac tenore preſenc. in complement. cujuſdam ordinis Curie Cancellar. noſtre inter *R. R.* quer. & *J. J.* defend. geren. dat. &c. damus vobis tribus vel duobus veſtrum plenam poteſtatem & authoritatem prefat. *J. J.* ſuper quibuſdam Interr. quos vobis mittimus preſentibus intercluſ. de & concernen. quoddam contemptum per prefat. *J.* nobis illat. ut dicitur diligenter examinand. Et ideo vobis tribus vel duobus veſtrum mandamus quod ad certos dies & loc. quos ad hoc provideritis venire faciatis & evocetis ipſumque *J.* ſuper Interr. pred. ſuper ſacramentum ſuum (tact. per ipſum prius coram vobis tribus vel duobus veſtrum ſacroſanctis Dei Evangeliis)

geliis) corporaliter preſtand. diligenter examinatis examinationeſque ſuas ſuper eiſdem recipiatis & in ſcriptis in Pergameno redigatis & cum illas ſic ceperitis eas nobis in dictam Cancellariam noſtram ubicunque tunc fuerit ſub ſigillis veſtris trium vel duorum veſtrum diſtincte & aperte mittatis unacum Interr. pred. & hoc breve Teſte meipſo &c.

A Commiſſion to take the Anſwer of a Corporation together with a private perſon.

Rex &c. Dilectis ſibi &c. ſalutem Cum Guardian. Quer. quand. petition. coram nobis in Canc. noſtra tam verſ. Alderm. & Burgenſ. Burgi & Ville de *M.* quam verſus *A. G.* def. nuper exhib. Qd.q; eiſd. Def. per Breve noſtrum nuper precepimus quod eſſent in Curia noſtra coram nobis in dicta Cancellaria noſtra ad certum diem jam preterit. Petitioni pred. reſponſur. Cumque predict. Alderman. & Burgenſ. Burgi & Ville pred. ſunt unum corpus corporat. & unanimo conſenſu ſub communi ſigillo Corporationis ſue pred. reſpondere debeant Sciatis quod nos de fidelitatibus & providis circumſpectionibus veſtris plurimum confiden. Dedimus vobis tribus vel duobus veſtrum poteſtatem & authoritatem reſponſ. pred. Alderman. & Burgenſ. Burgi & Ville pred. eidem petitioni fiend. (cujus quidem petitionis tenor vobis mittimus preſentibus intercluſ.) ſub communi ſigillo corporat. ſue predict. debite & reſpective recipiend.

piend. necnon pred. def. &c. de & ſuper materia petitionis predict. diligent. Examinand. Et ideo vobis tribus vel duobus veſtrum mandamus quod ad certos dies & locos quos ad hoc provideritis ad préfat def. ſi commode ad vos laborare non poſſint accedatis ac reſponſiones predict. Alderman. & Burgenſium in ſcriptis in Pargameno redact. ſub communi ſigillo Corporationis predict. fact. reſpective ut dicitur recipiatis necnon pred. al. def. de ut ſuper materia petitionis predict. ſuper ſacrum.ſuum(tact.per ipſos prius coram vobis tribus vel duobus veſtrum ſacroſanctis dei Evangeliis) corporalit. preſtand. diligenter examinetis Reſponſioneſque ſuas eidem petitioni fiend. recipiatis & in ſcript. in Pargameno redigatis Et cum reſponc'ones predictorum defendentium ut prefertur acciperitis eas nobis in Cancellariam &c.mitten. &c. Teſte,&c.

A Commiſſion granted to certain Perſons to Sequeſter all the Eſtate reall and perſonal of the Defendant, till he perform a Decree.

Rex &c. ſalutem Cum Inhabitantes de *C. D.* in Com. *D.* queren quoddam Decretum verſus *R. B.* def. nuper obtinuerunt quod ipſe predict. def. *R.* 80 l. eis ſolverit ſicut per Decretum predictum in Curia Canc. noſtre de recordo remanens plenius apparet Cumque etiam nobis & dicte Curie noſtre xxx. Maij ult. pret'it. oſtenſum erat quod licet breve noſtrum

ſtrum de executione decreti predicti in & ſuper predictum *R.* Def. debite execut. fuit pred. tamen *R.* ſpreto brevi noſtro predicto ac diverſis al. brevibus noſtris verſus eum è dicta Cur. Canc. noſtra emanat. pro eodem contemptu ſuo in eadem parte perpetrat. decreto tamen predicto parere vel obtemperare in contemptu noſtri & dict. Curie noſtre recuſavit & contempſit. Et licet priſone noſtre de le Fleet ſiſtit Commiſſ. non potuit inveniri per Guard. de le Fleet vel ejus Deputat. ſicut per ſacr. ſatis fide dignum apparet qui quidem contemptus predicti Def. *R.* in diſpendium predict. quer. non modicum & gravamen & enervaconem Decreti predicti manifeſtum tendit Sciatis igitur quod nos Decretum predictum debitum ſortiri effectum volen. Ac de fidelitat'& providis circumſpectionibus veſtris plurimum confidentes in complementum cujuſdam ordinis coram nobis in dicta Curia noſtra Cancellarie fact. geren. dat. &c. dedimus vobis tribus vel duobus veſtrum plenam poteſtatem & authoritatem in & ſuper Meſſuagia terras tenement. & hereditament. quecunque pred. *R.* accedendi ingrediendi & intrandi ac omnes reddit. exit. proficua commoditat. & emolument. quecunque Meſſuagia terras tenement. & hereditament. & real. ſtat. pred. necnon omnia & ſingula bona & Catalla quecunque & ſtat. perſonal. predicti Def. *R.* ubicunque invenire poſſitis in manus veſtras unius vel duorum veſtrum capiend. ſeiſand. & colligend. ſeu levari

vari capi & colligi faciend. illaque ſequeſtrando prout eodem tenore preſentium ſequeſtrationis. Et ideo vobis tribus vel duobus veſtrum Mandamus quod diebus horis & locis ad hoc congruis & opportunis ad dicta Meſſuagia terras tenement. & hereditament. quecunque predict. *R.* accedatis eademque introitis & inagrediamini ac omnes reddit. proficua comoditat. & emolument. quecunque predictorum Meſſuag. terrarum tenementorum & hereditamentorum quorumcunque real. ſtat. necnon omnia & ſingula bona & catalla & perſonal. ſtat. quecunque pred. Def. *R.* ubicunque invent. fuint. in manus veſtras trium vel duorum veſtrum levetis capiat. & collegat. ſeu levari capi & collegi fac' illaq; ſub humoi. tuto & ſalvo ſequeſtro conſervetis & cuſtodiatis & prefat quer. ſolvet. & delibet. donec predict. 80 l. quer. pred. plene ſolut. & ſatisfact. ſunt & Decret. pred. plene performat. & execut. foret Teſte &c.

A Special Commiſſion to a Maſter in Chancery, to examine Witneſſes concerning an Accompt.

Rex &c. *T. B.* legum Doctori in Canc. magiſtro ſalutem Cum coram nobis in dicta Curia Canc. noſtra ſuper audit. cujuſdam materie int. *I. H.* quer. & *C. B.* Defend. ibidemque dependen. (inter alia) ordinatum eſt quod tu ante-dictus magr. ſeparalia Computa inter partes predict. ac in eodem ordine mencionat. recipieres ac teſtes ad proband.

band vel improband. in eodem Computo examinares Sciatis igitur quod Nos de fidelitate & provida circumſpectione tua plurimum confiden. aſſignavimus te ac tenore preſent. damus tibi plenam authoritatem & poteſtatem teſtes quoſcunque ex utraque parte parcium ante-dict. tangen. & concernen. compm. predict. diligenter examinand. juxta limitationem ordinis predict. Et ideo tibi mandamus quod ad certos dies & loca quos ad hoc provideris teſtes predictos coram te venire facias & evoces Ipſoſque Teſtes & eorum quemlibet ſeparatim de & ſuper hujuſmodi queſtionibus ſive demand. que pro probatione aut improbatione Computorum predictorum (ſi tibi ita viſum fuit.) ſuper ſacra. ſua ſuper ſacroſancta dei Evangelia corporalit. preſtand. diligenter examinares in premiſſis juxta directionem ordinis predict. cujus tenorem tibi mittimus per latorem preſentium Teſte &c.

A Commiſſion to a Maſter to examine Witneſſes according to an Order, in general words.

Rex &c. *T. E.* Mil. in Curia Cancellarie noſtre uni Magiſtrorum &c. ſalutem Sciat. quod nos de fidelitate & provida circumſpectione tua plurimum confiden. aſſignavimus te ac tenore preſentium in Complementum cujuſdam Ordinis geren. dat. viceſſimo die Maij ult. preterit. Damus tibi plenam poteſtatem & authoritatem teſtes quoſcunque de

de & ſuper quibuſdam Interr. ſive queſtionibus neceſſariis & aptis pro Illuſtratione materiarum & rerum in quodam al. ordine coram nobis in dicta Curia noſtra inter *I. B.* quer. & *R. R.* generoſum Defendentem nuper fact. & reddit. geren. dat. decimo quinto die Octobris, Anno regni noſtri decimo nono mencionat. & expreſſat. diligent. examinand. Et ideo tibi mandamus quod diebus horis & locis ad hoc congruis & opportunis executioni premiſſorum diligenter intendas ac teſtes predict. coram te venire fac. & evoces ac ipſos teſtes & eorum quemlibet per ſe ſeparatim tangen. & concernen. veritat. premiſſorum ſuper ſacra. ſua per ipſos coram te ſacroſanctis dei Evangeliis corporaliter preſtand. diligenter examinares faciend. in premiſſis juxta directionem & veram intentionem ordinis predict. cujus tenorem tibi mittimus per latorem preſentium. Et cum ſic feceris tunc Nob. de veritate premiſſorum per relationem tuam in ſcript. cum omni celeritate qua poteris in Canc. noſtra predict. certiores reddat. Teſte &c.

A Special Commiſſion to the Sheriff to deliver Poſſeſſion of Lands according to a Decree in Chancery.

Rex &c. Vic. Suthton. pro tempore exiſten. & futuro ſalutem Cum per quoddam finale Judicium ſive Decret. coram nobis in Curia Cancellarie noſtra nuper fact. inter

ter *S. B.* quer. & *S. W.* Defenden. geren. dat. 19 die Octobris, Anno regni noſtri 27. Ordinat. adjudicat. & Decret. ſit (inter alia) quod pred. quer. hered. & Aſſignati ſui medietatem cujuſdam domus ſive Meſſuagii cum pertinenciis ſcituat. in *P.* in dicto Com. noſtro *S.* ſibi per quandam certificationem in dicto Decreto menconat. ſepoſit. in tam amplis modo & forma prout eadem medietas domus & Meſſuagij predict. per Certificationem predictam ſepoſita & deviſa eſſet verſus predict. Quer. heredes & Aſſignat. ſuos ac omnes per vel ſubter ipſum Claman. haberent tenerent & gauderent juxta tenorem cujuſdam ordinis ſive Decreti ſuper auditu materie inter partes predictas fact. Cumque predictus Defendens cum brevi noſtro de Injunctione pro poſſeſſione premiſſorum in complemen. decreti predicti emanat. debite inſervit. fuit eidem tamen obtemperare omnino recuſavit Sciatis igitur quod dedimus tibi plenam poteſtatem & authoritatem ad & in predictam medietatem domus ſive Meſſuagii cum pertin. predict. ſic ut prefertur per Decret. predictum dicto quer. adjudicat. & decret. & ſibi per Certificationem predictam ſepoſit. & limitat. acceden. intrandi & Ingrediendi ac quamcunque perſonam ſive quaſcunque perſonas poſſeſſionem medietat. domus ſive Meſſuagii pred. contra tenorem Decreti predicti detinen. a poſſeſſione ejuſdem ejiciendi & amovendi dictumque quer. heredes & Aſſignat. ſuos in plena quieta & pacifica poſſeſſione

pred.

pred. medietatis Messuagii sive domus predict. cum pertin. & cujuslibet inde partis & parcelle ponendi locandi stabiliendi & conservand. Et ideo tibi mandamus quod immediate post receptionem hujus brevis nostri ad medietatem domus vel Messuagii pred. sic ut prefertur per dictum Decretum prefat. quer. adjudicat. & sibi per divisionem predictam seposit. & allocat. ac in eadem divisione sive certificatione particularit. nominat. & express. accedas ac si necesse fuit. intraris & ingrediaris ac quamcunque personam sive quascunque personas possessionem ibidem contra tenorem Decreti predicti detinen. sine dilatione ejicias & amoveas Ac plenam quietam & pacificam possessionem predict. medietatis domus sive Messuagii predict. cum pertinen. sic ut prefertur quer. predicto adjudicat. seposit. & limitat. ac cujuslibet inde partis sive parcelle in manus tuas capias & recipias talemque possessionem sic per te captam & habitam predicto quer. & Assignat. suis deliberes indilate Ipsamque tenen. & assign. suos in humoi. plena quieta & pacifica possessione dicte medietatis domus sive Messuagii predict. cum pertin. suis ut prefertur dicto quer. adjudicat. & seposit. & cujuslibet inde partis & parcelle de tempore in tempus toties quoties interroptio quevis illat. fuit. tuearis & conserves seu conservi facias juxta tenorem decreti predicti. Et hoc nullatenus omittas quovis modo T. &c.

A Special Commiſſion to take the Anſwer of a Baroneſs upon Honour.

Carolus &c. Dilectis ſibi *W.W.* Ar. *I. D.* & *I.T.* Cl'icis *G.H. E H. H.W.* & *M.T.* gen. ſalutem Cum Dna. *D.W.* quer. quandam petitionem coram nobis in Cancellaria noſtra verſus *E.* Baroniſſam *D.* Dnam. *W.* & *H.G.* Def. nuper exhibuit Quodque eidem Def. per breve noſtrum nuper preecepimus quod eſſent coram nobis in Cancellaria noſtra predict. ad certum diem jam preterit. peticon. predict. reſponſur. Sciatis quod dedimus vobis tribus vel duobus veſtrum poteſtat. & authoritat. juxta directionem dicte Cur. noſtre ſpecial. placit, ſive reſponſionem predict. *H. G.* ſuper ſacrum. ſuum tact. per ipſum prius coram vobis tribus vel duobus veſtrum ſacroſanctis dei Evangel. corporalit. preſtand. vel placitum ſuum ſuper ſacrum. ſuum vel abſq; ſacramento ſuo ſive morationes in lege pred. Def. vel eorum alterius debite & reſpective recipiend. Et ideo vobis tribus vel duobus veſtrum mandamus quod ad certos dies & locos quos ad hoc provideritis ad prefat. Def. ſi comode ac vos laborare non poſſint accedatis ac reſponſiones placit. ſive morationes in lege pred. Def. petitioni predicte fiend. cujus tenorem vobis mittimus vobis interclus. debite & reſpect. prout prefertur recipiatis ac in ſcript. in pargameno redigatis & cum illa ſic ceperitis ea nobis in dictam Cancellariam

cellariam nostram à die Sancti Mich. prox. futur. in tres septiman. ubicunque tunc fuit. sub sigillis vestris trium vel duorum vestrum claus. distincte & aperte mittatis unacum tenore predict. & hoc breve Teste meipso apud Westm. primo die Augusti Anno regni nostri vicessimo quarto.

DISTRINGAS.

A Writ to Distraine the East-India Company for not appearing upon a Subpena, for that, as a Corporation, they cannot be Attached.

Rex &c. Vic. London. salutem Cum *E S.* & alij querent. quandam petitionem suam coram nobis in Cur. Cancellar. nostra versus Gubernatores & societatem Mercatorum London. negotian. ad Indos Oriental. Defendentes nuper exhibuerunt ac dict. Gubernatores & societat. mercatorum per breve nostrum de subpena sumonit. fuerunt ad respondend. querentem. predict. velut ex Sacramento satis fide digno manifeste apparet Ipsi tamen eidem querentem. respondere hucusque neglexerunt & plane contempserunt ut accepimus Et quia predict. Gubernatores & Societat. Mercatorum London. negotian. ad Indos Oriental. sunt unum Corpus Corporat. ac per legem &

conſuetudinem Regni noſtri Anglie Attachiari minime debeant nec conſueverunt vobis igitur precipimus quod Diſtringas preſat. Gubernatores & Societat. &c. per omnia terras & tenementa ſua infra Ballivam veſtram Ita quod nipſi nec aliquis per ipſos ad ea manum appon. donec aliud à nobis habueritis preceptum Et quod de Exitibus eorundem nobis reſpondeatis Ita quod dict. Gubernatores & Societat. &c. coram nobis in Cancellar. noſtra in &c. ubicunque tunc fuerit compareant ad reſpondend. queremon. predict. Et ad faciend. ulterius & recipiend. quod dicta Curia noſtra conſideraverit in hac parte Et hoc nullatenus omittatis Et habeatis ibi hoc breve T. R. &c.

A Diſtringas *to make a further Anſwer.*

Rex &c. Vic. Cant. ſalutem precipimus tibi quod non omitt. propter aliquam libertat. quin eam ingred. & Diſtringas Magiſtrum ſocios & Scholares Colleg. ſive Aule vocat. H. Hall in Univerſitate Cant. per omnes terras & catalla in balliva tua Ita quod nec ipſi nec aliquis per ipſos ad ea manum appon. donec al. inde tibi precipimus Et quod de exit. earundem terrarum nobis reſpond Ita quod habeas corpora eorum coram Baronibus de Scaccario noſtro apud Weſtm. decimo tertio die Februarij prox. futur. ad faciend. ulteriorem reſponſionem ad quandam billam Anglican. per Reverend. in Chriſto Patrem M. Epiſcopum

piſcopum Elienſem coram Theſaurar. Cancellar. Subtheſaurar. & Baronibus de Scaccario noſtro predict. verſus ipſos nuper exhibit. Et habeas ibi tunc hoc breve T. M. H. Mil. apud Weſtm. xxxi. die Januarij Anno regni noſtri xvii. per Barones.

Diſtringas *againſt Commiſſioners to return Depoſitions.*

Rex &c. Vic. *N.* Salutem precipimus tibi quòd non omittas propter aliquam libertat. quin eam ingredias & diſtring. *A. B.* gen. *N. B.* gen. & *F. A.* gen. nuper Commiſſionar. virtute brevis noſtri de Dedimus poteſtatem ſub ſigillo Scaccarii noſtri aſſignat. ad examinand. teſtes de & ſuper quibuſdam Articulis ſive Interr. eis & al. exhibend. ſive deliberand. in quadam cauſa per Bill. Anglicanam coram Theſaurario Canc. Subtheſaurario & Baron. de Scaccario noſtro predict. penden. int. *I. C.* gen. & alios quer. *W. D.* & *I. L.* Defenden. ex utraque parte per omnes terram & catalla ſua in balliva tua Et ea ſalvo & ſecure cuſtod. ita quod nec ipſi nec aliquis per ipſos ad ea manum appon. donec aliud inde tibi precipimus Et habeas corpora eorum coram Baron. de Scaccario noſtro apud Weſtm. xxi. die Novembris prox. futur. ad retornand. predictum breve una cum Interrogat. predict. & depoſitionibus teſtium ſuperinde capt. Et habeas ibi tunc hoc breve Teſte *M. H.* Mil. apud Weſtm. xxxi. die

Octobris Anno regni noſtri xviii. per ordin. Cur. hoc Termino fact. & per Barones.

A Writ of Duces Tecum *for Writings.*

Rex &c. *A. B.* ſalutem Quibuſdam certis de cauſis coram nobis in Cancellaria noſtra propoſitis Et in Complementum cujuſdam Ordin. in Dicta Cur. Cancell. noſtra Inter *C. D.* quer. & te prefat. A defendentem geren. dat. Secundo die Decembris nuper. fact. perticularit. mencionat. & expreſs. Tibi precipimus firmiter injungend. quod omnibus aliis pretermiſſis & excuſatione quacunque ceſſante in propria perſona tua ſis coram nobis in dicta Cancellaria noſtra ubicunque tunc fuerit Ducens vel duci faciens tecum quoddam ſcriptum ſub manibus & ſigillis prefat. Quer. & patris ſui & notam quandam &c. que per reſponcionem tuam Queremon. predict. Quer. abhibitur in Cuſtodia tua exiſtere confeſſus es vel tunc & ibidem oſtendens vel oſtendi faciens bonam & ſufficientem cauſam in Contrarium inde ſecund. Tenorem & veram intencionem ordin. predict. Et hoc ſub periculo incumbente &c. *T. R.* &c.

A Cloſe Writ of Execution of an Order upon a Report.

Rex &c. ſalutem Cum per quendam Ordinem coram Nobis in Cancellar. noſtra nuper fact. & reddit. inter *C. D.* quer. & te prefat.

fat. *A. B.* Defend. & è contra geren. dat. nono die Julij inſtant. (videlicet) Termino ſancte Trinitatis ult. Ordinat. exiſtit quod tu prefat. Defend. vel Attornat tuus noticiam Ordinis predict in tempore haberes & bonam Cauſam in Contrarium tunc per tercium Generalem Sigill. poſt prox. Termin. predict. oſtenderes quare non ſolveres dicto quer. totam ſummam Septem librarum ſex. ſolidorum & octo denariorum legalis monete Angl. in quadam Relacione *W. B.* unius Mag'rorum Cur. Cancell. noſtre predict. content. mencionat. & Expreſſ. Nos ad hec Conſideracion. habentes ac pro eo qd. Tu prefat. Def. noticiam ordinis predict. habuiſti ſicut per ſacrum. fide dignorum apparet nullam tamen Cauſam in Contrarium oſtendiſti ſicut per Certificacion. a Regro. Cur. Cancellar. noſtre apparet Tibi igitur prefat. *A. B.* precipimus & firmiter injungen. mandamus qood dictam Summam Septem librarum Sex ſolidorum & Octo denariorum dicto quer. debito modo ſolvas ſeu ſolvi facias ſecundum Tenorem & veram intentionem Relat. & Ordinis predict. Et hoc ſub periculo incumbento nullatenus omittatis nec Omittat veſtrum aliquis quovis modo *T. R.* &c.

Aliter.

Rex. &c. Salutem Cum per quendam Ordinem in Curia Cancellar. noſtra nuper fact. & reddit. inter *R. R.* quer. & prefat. *I. R.* & al.

Defendentes geren. dat. decimo die Februar. ultimo preterito (inter alia) Ordinat. exiſtit. quod *R. A.* in Legibus Doctor unus magiſtrorum Cur. noſtre predict. Compos. inter partes predictas de & concernen. quibuſdam Articulis queremonie Caperet & calcularet Cumque ſuper Calculac. illa tu prefat. I Sicut ex relacione Magri. predict. Nobis viceſimo nono die Maii ult. preterit. oſtens. accepimus inventus fuiſti in arreragiis erga predict. querent. in Sumam Centum & ſeptem librarum treſdecim ſolidorum & octo denariorum ſicut per relationem predict. remanen. cum Regrario. Cur. noſtre predict. plenius apparet Tibi Igitur prefat. *I. R.* firmiter injungen. precipimus quod ſolvas ſeu ſolvi facias predict. Summam Centum & ſeptem librarum treſdecim ſolidorum & quatuor denariorum indilate juxta formam & verum effectum Ordinis & Relacionis predict. Et hoc ſub periculo incumbente nullatenus Omittatis nec Omittat veſtrum aliquis quovis modo *T. R.* &c.

A Writ for payment of Coſts upon an Order of Court.

Rex &c. *T. M.* Salutem quibuſdam certis de cauſis coram nobis in Cancellar. noſtra nuper propoſitis ac pro eo quod nobis in Cur. Cancellar. noſtra predicta nullam bonam & ſufficientem Cauſam in contrarium inde adhuc oſtendiſti Tibi precipimus firmiter Injungentes te quod immediate poſt recepcionem hujus

jus brevis solvas vel solvi facias *I. R.* aut latori presentium Centum Libras legalis monet. Angl. secundum intentionem cujusdam Ordinis Cur. Cancellar. nostre pred. geren. dat. decimo die Decembris ult. preterit' Et hoc nullatenus omitt. periculo incumbent. *T. R.*

A Writ of Execution upon a Decree.

Rex &c. *A. B.* ac omnibus aliis personis quibuscunque quas inferius mencionat. aliqualiter tangunt salutem Cum finale Judicium sive Decret. coram nobis in Cancellar. nostra nuper reddit. & existit in hec verba *Whereas*, &c. Tibi igitur prefat. *A. B.* firmit. Injungend. precipimus quod omnia & singula in Judicio sive Decret. predicto content & specificat. quantum & quoad te in aliquo tangunt sive concernunt facias & perimpleas secundum effectum & veram intencionem Judicii sive Decret. predict. Et hoc sub periculo incumbent. nullatenus omittas ullo modo *T. R.*

A Writ of execution of an Order and Report.

Rex &c. *H. B.* salutem Cum quidam Ordo coram nobis in Cancellar. nostra nuper fact. & reddit. extitit in hec verba Veneris xx. die Januarii &c. Virtute cujus quidem ordinis predict. *R. R.* super matur. consideracionem premiss. per ipsum habit. Relacionem suam fecit in hec verba Decimo die Maij &c. Tibi igitur prefat. *A. B.* precipimus firmit. Injun-

gend. quod omnia & ſingula in ordine & relatione predictis content. & ſpecificat. quantum & quoad tibi in aliquo tangit vel concernit facias & perimpleas indilate ſecundum tenorem & effectum ordinis & relationis pred. Et hoc periculo incumben. nullatenus omittas *T. R.* &c.

HABEAS CORPUS.

Habeas Corpus for a Priſoner in the King's Bench to be examined before Commiſſioners upon Interrogatories.

Rex Mariſchallo Mariſchal. Cur. noſtre coram nobis exiſten. ſive ejus locum tenen. ibidem ſalutem Vobis precipimus quod corpus *E. F.* in priſona noſtra ſub cuſtod. veſtra ut dicit. detent. quocunque nomine ſive additione nominis idem *E. H.* cenſeatur Habeatis coram dilectis & fidelibus noſtris *R. T.* Baronett' &c. aut duobus ſive plur. eorum apud Vill. *B.* in Com. noſtro *B* die Martis tricesimo primo die Inſtantis Menſis Januarij ad inſormand. eoſdem Commiſſionar. noſtros de certis Articulis Nos & comodum noſtrum tangen. prefat. *E. F.* tunc ibidem ex parte noſtra exponend. Teſte &c. per Baron.

Habeas

Habeas Corpus to Anſwer an Engliſh Bill.

Rex &c. Vic. &c. precipimus tibi quod corpus *R. F.* &c. ad reſpondend. nobis de certis Articulis eis tunc ibidem ex parte noſtra objiciend. ſuper quandam billam Anglican. coram Theſaurar' Canc. & Baron. de Scaccario noſtro apud Weſtm. verſus ipſum *R F.* & *C. D.* nuper exhibit. Et ad ulterius f..ciend. &c. ut ſupra.

INJUNCTIONS.

An Injunction to ſtop Waſt.

Rex *P. W.* ac omnibus & ſingulis ſubtenen. ſervien. & Aſſign. ſuis & eorum cuiliibet ſalutem Quibuſdam certis de cauſis Barones de Scaccario noſtro ad preſens moven. vobis & cuilibet veſtrum precipimus & firmit. injungen. mandamus quod de cetero poſt recepcion. hujus brevis noſtri vel notic. inde habit. per vos aut aliquem veſtrum aut aliquor. al. ſive alicujus alii nomine procuracione vel conſenſ. veſtrum alicujus non faciat. ſeu facere cauſat. aliquas devaſtac. ſpoliationes vel deſtructiones aliquorum domorum edificiorum vel ſtructurarum in

in & ſuper quodam Campo vocat. *K.* field. in Com. noſtro Midd. edificat. nec putrifaciatis vel occludatis aliquos fontes aut aqueductus in campo predict. exiſten. ſed ab omni tali ſpoliacione vel deſtruccione domorum & edificiorum vel ſtructurarum pred. & à putrifactione vel occludend. fontes vel aqueductus predict. & ab omni vaſto quocunque in campo pred. faciend. deſiſtatis & quilibet veſtrum deſiſtat omnino quouſque per Cur. Scaccarii noſtri predict. alit. ordinat. fuerit Et hoc nullatenus &c.

Injunction to ſtay proceedings at Common Law.

Rex &c. *I. H.* Vid. ac omnibus & ſingulis Conſiliar. Attorn. Sollicitator. & Factoribus tuis & veſtrum cuilibet ſalutem Quibuſdam certis de cauſis Barones de Scaccario noſtro apud Weſtm. ad pns moven. vobis & cuilibet veſtrum precipimus & firmit. injungend. Mandamus quod de cetero poſt recepcionem hujus Brevis noſtri vel notic. inde per vos ſeu aliquem veſtrum habit. non proſequamini nec aliquis veſtrum proſequatur aliquam accionem billam ſive querelam verſus *W. C.* in Cur. noſtra coram Juſtic. noſtris ad placita coram Nobis tenend. ſive in aliqua al. Cur. noſtra quacunque nuper incepr. mot. & habit. ſive imposterum incipiend. ſeu movend. ſed quod proſecucion. inde in omnibus ſuperſedeatis & quilibet veſtrum ſuperſedeat omnino quouſque tu prefat. *I. H.* perfectam reſponcionem tuam

faceris

faceris ad quandam Bill. Anglican. per prefat. *W.C.* coram Theſaurario Cancellario Subtheſaurario & Baron. de Scaccario noſtro apud Weſtm. nuper exhibit. & alias per Cur. dicti Scaccarii noſtri ordinat. fuerit & hoc nullatenus omitt. nec aliquis veſtrum omittat ſub pena cujuſlibet veſtrum Centum librarum quas de bonis & catallis terris & tenementis veſtris ſi hoc preſens mandat. noſtrum negligeritis ad opus noſtrum levari facimus premonir' ill. veſtrum ad cujus man. hoc breve noſtrum primo devenerit ceteris in eod. brevi nominat. ſeu mencionat. liberet ſeu notic. faciat indilate. Et hoc ſub pena predict. *T. M. H.* Mil. apud Weſtm. Viceſimo ſexto die Januarii Anno regni noſtri decimo octavo per ordinem Cur. hoc Termino fact. & per Barones.

An Injunction upon a Sequeſtration.

Rex &c. Thome Reynolds ac omni al. perſone ſive omnibus aliis perſonis haben. clamen. ſive vendican. aliquod Jus ſtatum titulum intereſſe clameum vel demand quodcunq; per vel ſubtus te prefat. Thomam de in vel ad domum mancional. terr. & ſtat. real. ſive perſonal. infra-mencionat. & eorum cuilibet ſalutem Oſtens. eſt nobis in Curia Cancellar. noſtra ex parte Marmaduci Holby Ar. quer. verſus te prefat. Thomam Defendentem qd. cum ipſe querens Decretum dicte Curie noſtre pro Ducent. Sexagint. & ſex libris obtinuit.

nuit. Quodque tu prefat. defendens pro defectu Solucionis eorundem pecun. in ꝯ contumac. fis Et Ideo breve noſtrum de Sequeſtratione emanaverit direct. Richardo Aſhtor, Will. Gray, Roberto Addinall & Iſaaco Knott Gen. Commiſſionar. predict. Quer. dand. eis poteſtatem Sequeſtrand. omnem Statum tam real. quam perſonal. tui prefat. Def. Ac prefat. Commiſſionar. cum eadem Sequeſtratione voluerunt ad domum mancionalem tuam de Witherholme venire ſed in eandem admitti non potuer. velut ex Certificatione liquet Nos ad hec Conſiderationem habentes volentes qd decreta & mandata dicte Curie noſtre inviolabiliter obſervari tibi Igitur prefat. Thome Reynolds ac vobis prefat. ceteris omnibus & ſingulis perſonis ſupradictis & cuilibet veſtrum ſubpena Mille librarum de terris bonis & Catallis veſtris ad opus noſtrum Levand. firmiter injungend. precipimus quod ſine dilatione permittatis & quilibet veſtrum permittat dictos *R. A. W. G. R. A. & I. K* Sequeſtratores & Agent. ſuos tres vel duos eorum domum mancionalem terras & premiſſa predicta intrare & poſſeſſionem eorundem accipere reddituque exit. & proficua eorundem & cujuſlibet inde partis & parcelle in manus & poſſeſſiones ſuas accipere & recipere & eaſdem juxta tenorem brevis de ſequeſtratione predicti ſequeſtrare donec & quouſque pecunia predicta cum Cuſtagiis & dampnis juxta directionem decreti predicti plenarie ſatisfact. fuerit Et hoc Sub pena predicta Nullatenus

Omittatis

Omittatis nec Omittat vestrum aliquis quovismodo Teste meipso apud Westm. decimo die Novembris Anno regni nostri vicesimo Octavo &c.

Injunction upon a Release.

Nos ad hec consideracionem habentes ac pro eo quod *E. S.* in Cancellar. nostra Magistrorum unus super debita consideracion. premissorum nobis in Curiam nostram predictam Certificavit Informacion. pred. eatenus in substantia verum esse ut pred. Quer. meruit in equitate breve nostrum de Injuncione ad restringend. omnem prosecution. vestram ad communem legem velut per eand. Relacionem geren. dat. (tali die & anno) ac penes Regrarium' dicte Curie nostre residen. plenius liquet & apparet.

Aliter.

Nos ad hec consideracionem habentes ac pro eo quod *E. S.* Mil. in Cancellar. nostra unus Magistrorum super debita consideracon' premissorum per ipsum habita tam querimon. quam responcion. pred. nobis in eand. Cur. nostram debite Certificavit Informacion. pred. in substantia verum esse sicut per relacionem inde geren. dat. (tali die Anno &c.) ac penes Registrarium Cur. nostre predict. plenius liquet & apparet Nos tam ad hec quam ad antiquitatem obligacionis pred. consideracionem

cionem habentes Ac pro eo quod prefat. Def. breve noſtrum de Dedimus poteſtatem &c. tibi &c.

Injunction upon a Certiorari.

Rex &c. *T. C.* & *D. C.* ac Conſiliar. Attornat. Solicitator. ſuis quibuſcunque & cor. cuilibet ſalutem Cum per quendam ordinem coram nobis in Cancellar. noſtra nuper fact. inter *S. S.* quer. & vos prefat. *T.* & *D.* Defendentes geren. dat. tercio die Julij inſtan. pro rationibus in eodem content. ordinat. fuit quod breve noſtrum de Injunctione pro reſtrictione proceſs. verſus prefat. Defend. in quadam actione & Attachiamen. per vos vel unum veſtrum proſecut. in Cur. dni. majoris Civitat. London. & concernen. alias materias in queremon. prefat. querentis in dicta Cancellar. noſtra verſus eos prefat. Thomam & David nuper exhibit. mencionat. & content. Nos in Complementum Ordinis predicti vobis prefat. *T. C.* & *D. C.* ac vobis prefat. Conſiliar. Attornat. Agent. & Solicitatoribus ſuis & veſtrum cuilibet ſubpena quinque mille librarum de terris & Catallis veſtris & cujuſlibet veſtrum ad opus noſtrum levand. firmiter injungend. precipimus quod ab omni ulteriori proſecutione quacunque in Curia dni. Majoris Civitat. London. predict. vel ad Communem legem de pro vel ſuper Actione vel Attachiamento predict. aut aliquibus aliis materiis in queremon. predict. querelat. & content.

content. desistatis & quilibet vestrum adhuc penitus desistat Et hoc &c. Teste &c.

An Injunction for not appearing.

Rex &c. *A. B.* ac Conciliar. Attornat. & Solicitatoribus suis quibuscunque & eorum cuilibet salutem Ostens. est nobis in Cur. Cancellar. nostra ex parte *C. D.* quer. quod cum ipse quer. per quandam suam querelam coram nobis in Cur. nostra pred. versus te prefat. *A.* nuper exhibit. relevium sibi petivit adhiberi de & concernen. materiis in eadem content. Ac tu prefat. Def. cum brevi nostro de Subpena debite inservit. existen. nondum comperuisti sed in Contempt. dicte Cur. nostre fistis velut per sacrum. satis fide dignum apparet unde versus te emanat. est breve nostrum de attach. interim vero sectam ad communem legem pro materiis predictis prosequeris minus juste ut accepimus Nos ad hec consideracionem habentes tibi igitur prefat. *A. B.* ac vobis prefat. Consiliar. Attorn. & Solicitatoribus tuis & vestrum cuilibet sub pena ducentarum librarum de terris bonis & Catallis vestris & cujuslibet vestrum ad opus nostrum levand. firmiter injungend. precipimus quod ab omni ulteriori persecutione quacunq; ad communem legem de pro vel concernen. aliquibus materiis in queremon. pred. content. & specificat. desistas desistatis & quilibet vestrum desistat donec & quousq; Tu prefat. Def. queremon. pred. directe & perfecte respon-

reſponderis & pro contemptu tuo ſatisfaceris dictaque Cur. noſtra aliter ordinavit' in hac parte Et hoc ſubpena predicta &c.

A Clauſe wherein an Injunction is not to extend to the ſtaying a Tryall at Law to be inſerted.

Sed ſi exitus ad c'onem legem pro materiis pred. junct. ſit tunc ad triacionem ad co'nem legem procedere valeas aliquo in preſentibus in contrarium non obſtan. Judicium tamen vel execucio Judicii ſuperinde retardan. &c.

An Injunction for not anſwering ſuper Attach.

Rex &c. *A. B.* ac Conſiliat. Attornat. & Solicitatoribus ſuis quibuſcumq; & eorum cuilibet ſalutem Oſtens. eſt Nobis in Cur. Cancellar. noſtra ex parte *C. D.* Quer. quod cum ipſe Quer. per quandam ſuam queremoniam coram nobis in Cur. Cancellar. noſtra pred. verſus te prefat. A Def. nuper exhibit. relium' ſibi petivit adheri pro materiis in eadem content. ac licet breve noſtrum de ſubpena ad comparend. & queremon. pred. reſpond. ſuper ſe execut. fuit nondum tamen reſpondiſti ſed in contemptu noſtri dicteque Cur. noſtre ſitis manifeſte unde verſus te emanat. eſt breve noſtrum de attach. interim tamen ſectam ad c'onem legem verſus pred. Quer. pro materiis

materiis pred. proſequeris minus juſte ut accepimus Nos ad hec conſideracionem habentes Tibi igitur prefat. *A. B.* Ac vobis prefat. Conciliar. Attornat. & Solicitatoribus ſuis quibuſcunque & veſtrum cuilibet ſub pœna Mille librarum de bonis terris & Catallis veſtris & cujuſlibet veſtrum ad opus noſtrum levand. firmit. injungend. precipimus quod ab omni ulteriori proſecucione quacunque ad c'onem legem pro vel concernen. aliquibus materiis in queremon. prefat. Quer. querelat. & expreſſis deſiſtas deſiſtatis & quilibet veſtrum deſiſtat donec & quouſque tu prefat. Def queremon. pred. directe & perfecte reſponderis & pro contemptu tuo pred. ſatisfaceris dictaque Cur. noſtra aliter ordinaverit in hac parte ſpecialiter Et hoc ſubpena pred. nullatenus omitt. nec omittat veſtrum aliquis ullo modo *T. R.* &c.

Injunction for Poſſeſſion.

Necnon cuicunque al. perſon. ſive quibuſcunq; al. perſonis jus ſtatum titulum Clameum uſum poſſeſſionem intereſſe vel demand. de vel in aliquibus illis Meſſuagiis terris tenemen. & hereditamen. ſcituat. jacen. & exiſten. in *E.* & *T.* mencionat. & ſpecificat. in quadam queremon. *A. L.* Quer. coram nobis in Cancellar. noſtra verſus prefat. *D. M.* exhibit. aut de vel in aliqua inde parte vel parcella per vel ſubter vos prefat. Def. ſeu veſtrum alterum haben. Claman vel vendican. & eorum cuilibet

ſalutem &c. Nos ad hec &c. ac pro eo quod dictus quer. invenit ſecuritat. Ordin. Cur. Cancellar. noſtre pred. aſtare ſuper audit. ejuſdem velut per Certificationem ea in parte confect. liquet manifeſte Ac quia nihil in contrarium inde ex parte Def. pred. per diem proinde limitat. fuit oſtens. ſicut patet per Certificationem &c. Regr. vobis & cuilibet veſtrum firmiter injungen. precipimus quod pred. quer. plenam quietam & pacificam poſſeſſionem predictorum premiſſorum & cujuſlibet inde partis & parcelle in tam amplis modo & forma prout eadem tempore exhibicionis queremon. pred. per ſpacium trium Annorum habuit &c. preantea deinceps habere tenere uti frui & gaudere permittatis & veſtrum quilibet permittat abſque ullo omnino impedimento ſive interrupcione quacunque veſtrum Def.& ceterarum perſonarum ſupradict. donec. alit. coram nobis in dicta Cancellar. noſtra fuerit in contrarium ordinat. in hac parte ſpecialiter Et hoc &c.

Injunction againſt Plowing up antient Paſture, and deſtroying of Wood.

Firmiter Injungen. &c. quod dictas antiquas 100 acras paſture arare & arbores ſuperinde creſcen. (pluſquam neceſſar. duntaxat except.) proſternere vel diſcindere vel aliqua vaſta ſuper dicta premiſſa facere ſeu perpetrare deſiſtatis & quilibet verum adhuc penitus deſiſtat donec vos prefat. Def. dicte Queremon.

Queremon. reſponderitis ac dicta Cur. Cancellar. noſtra alit. ordinaverit in contrarium inde in hac parte ſpecialit. &c.

An Injunction for the quieting of a Poſſeſſion.

Rex &c. *M.T. S.R.* &c. ac veſtrum cuilibet ac omnibus & ſingulis Tenentibus Firmariis & Aſſignatis veſtris prefat. *M.* & *S.* & veſtrum cuilibet Necnon omnibus al. Clamant. ſub nomine titulo jure ſive intereſſe veſtrum prefat. *M.* & *S.* ac veſtrum cujuſlibet ſalutem Certis de cauſis Baron. de Scaccario noſtro apud Weſtm. ad preſens moven. vobis precipimus & firmit. injungend. mandamus quod immediate poſt receptionem hujus brevis noſtri vel notic. inde per vos ſeu aliquem veſtrum habit. vos ac omnia veſtra quecunque à poſſeſſione unius Meſſuag. unius horrei &c. (ut in le Inquiſition) omnia que quidem Meſſuag. terre & tenementa cum pertin. ſunt ſcituat. jacen. & exiſten. in ſeparal paroch. de *E.* & *L.* vel eorum altera ac modo ſunt vel nuper fuer. in tenura ſive occupation. prefat. *M.T.* vel Aſſign. ſuorum ac unius cottagii &c. modo vel nuper. in tenura ſive occupatione prefat. *M. T.* vel Aſſign. ſuorum ac unius Cotagii &c. modo vel nup. in tenura *A.B.* vel &c. & cujuſlibet inde parcell. amoveat. & amoveri fac. indilate ac de aut cum premiſſis aut aliqua inde parcell. nullatenus voſipſi intromittatis nec aliquis veſtrum

se intromittat sed quod permittat. & quilibet vestrum permittat *H. D.* & *C. B.* gen. Firmar. nostros premissorum predict. & eorum Assign. premissa pred. & quamlibet inde parcell. quiete & pacifice habere tenere uti occupare & gaudere absque molestacione perturbacione interrupcione sive inquietacione vestrum aut vestrum alicujus aut aliquorum aliorum nomine Mandat. procuracione sive consensu vestrum aut vestrum alicujus Et hoc nullatenus omitt' &c. Spa' quingentarum librarum quas &c. Teste &c.

An Injunction of Privilege for an Officer of the Court impleaded in the King's Bench.

Carolus &c Justic. de Communi Banco apud Westm. salutem Cum ex consuetudine antiqua omnibus temporibus retroact. usitat. hactenus obtent. fuerit quod Scaccario publice apud Westm. residentes Et Compis' & negociis publicis Magistri intendentes eorumque Clerici & servientes non trahuntur alibi in placitum quamdiu idem Scaccarium fuerit apertum Jamq; dat. est nobis intelligi ex parte *A. S.* Ar. un. Camerar. Scaccarii publici predict. Quod quedam *S. S.* vid. executr. *W. H.* nup. defunct. ipsum *A.* (cujus continua attendenc. circa negocia publica in Scaccario predict. requiritur) per nomen *A. S.* nuper de Westm. in Com. Midd. Ar. coram nobis trahit in placitum de placito debiti CC. l.

quas

quas prefat. *S.* ab eodem *A.* exigit Nos privileg. dicti Scaccarii illes' obſervari volen. vobis mandamus quod predict. placitum in Cur. nra. de Banco pred. coram vobis non teneatis ſet in placito illo ulterius verſus prefat. *A.* proceden. ſuperſed. omnino premunien. prefat. *S.* quod verſus dict. *A.* penes dict. Scaccarium proſequatur ſi ſibi viderit expediri Teſte *J W.* apud Weſtm per Rubeum librum in Scaccario pred. remanen. & per Barones.

An Injunction upon a Dedimus Poteſtatem.

Rex &c. *A. B.* Necnon Conſiliar. Attornat. & Solicitat. ſuis quibuſcunque & eorum cuilibet ſalutem Oſtens. eſt Nobis in Cur. Cancellar. noſtra ex parte *C. D.* quer. quod cum idem quer. per quandam ejus queremon. coram nobis in dicta Curia noſtra verſus te prefat. Def. nup. exhibit. relevium ſibi petiiſſet adheri. de pro vel ſuper materiis in queremon. predict. content. quodque tu prefat. Def. per Attornatum tuum comperuiſti & ded. reſponſionem tuam queremon. predict. fiend. In Rure ad recipiend. nuper obtinuiſti in dilon. proceſs. dci. quer manifeſtam ac Interim ſectam ad co'nem legem pro materiis hic in queſtione proſequeris minus juſte ut dicitur Nos ad hec conſideracionem habentes tibi igitur prefat. *A. B.* Ac vobis prefat. Conſiliar. Attornat. ſolicitator. ſuis predict. & veſtrum cuilibet ſubpena quingentar. librar. de terris

bonis & Catallis vestris & cujuslibet vestrum ad opus nostrum levand. firmiter injungend. precipimus quod ab omni ulteriori prosecutione quacunque ad co'nem legem de pro vel super materiis in queremon. predict. querelat. desistas desistatis & quilibet vestrum desistat donec & quousque tu prefat. Def. queremon. predict. directe & perfecte responderis dictaque Curia nostra aliter ordinaverit in hac parte specialiter Et hoc &c. Teste &c.

An Injunction obtained upon overruling a Demurrer.

Rex &c. *A. B.* Consiliar. Attornat. Solicitatoribus & Agentibus suis quibuscunque & eorum cuilibet salutem Ostens. est nobis in Cur. Canc. nostra ex parte *C. D.* quer. quod cum ipse quer. per quandam suam queremon. coram nobis in dicta Cur. nostra versus te prefat. *A.* Def. nuper exhibit. relevium sibi petiisset adhiberi pro materiis versus obligationem quandam de penalitate sexaginta librar. satisfact. & exonerat. per agreament. existen. & ad obtinend. obligationem predict. deliberari cancelland. Cui quidem queremonie tu prefat. Def. morationem adhibuisti insufficien. existen. ut adjudicat. est per dictam Cur. nostram, Et tu prefat. Def. ordinat. es eidem queremon. respondere sed nondum respondisti Nos ad hec consideracionem habentes Tibi Igitur prefat. *A. B.*

ac

ac vobis Conſiliar. Attornat. & Solicitatoribus ſuis & veſtrum cuilibet ſubpena ducentarum librar. de terris bonis & Catallis veſtris & cujuſlibet veſtrum ad opus noſtrum levand. firmiter injungen. precipimus quod ab omni ulteriori proſecucione quacunque ad co'nem legem de vel ſuper obligatione predict. in queſtione deſiſtas deſiſtatis & quilibet veſtrum deſiſtat donec & quouſque tu prefat. Def. queremon. predict. reſponderis dictaque Curia noſtra aliter ordinavit' in hac parte ſpecialit' Et hoc &c. *T. R.* &c.

Injunction where the Anſwer is inſufficient.

Rex &c. *A. B.* ac Conſiliar. Attornat. Solicitat. & Agen. ſuis quibuſcunque & eorum cuilibet ſalutem Oſtens eſt nobis in Cur. Canc. noſtra ex parte *C. D.* quer. quod cum idem quer. per quandam ejus queremon. coram nobis in dicta Curia noſtra verſus te prefat. *A.* Def. nuper exhibit. relium. ſibi petiiſſet adheri. de vel pro materiis in eadem content. Quodque tu prefat. Def. in dilationem proceſs. ipſius quer. reſponcionem invalidam & minus inſufficientem queremon. predict. adhibuiſti velut ex relacione Johannis Coell mil. unius Magiſtrorum Cur. predict. nobis in ea parte confect. apparet Et nihilominus ſect. ad co'nem legem de vel pro materiis predictis proſequeris minus juſte ut dicitur Nos ad hec conſideracionem habentes (&c. ut preantea) *T. R.*

Injunction general, without ſhewing Cauſe.

Rex &c. *A.B.* Ac Conſiliar. Atrornat.& Solicitat. ſuis quibuſcunq; & eorum cuilibet ſalutem Oſtens. &c. cum pro cauſis & ro'nibus nobis in Canc. noſtra. triceſſimo die Sept. inſtan. ex parte *C. D.* quer. verſus te prefat. *A.* Def. ordinat. erat quod breve noſtrum de Injunctione è dicta Curia noſtra verſus te prefat. Def. pro moracione proceſs. tam ad co'nem legem verſus prefat. quer. ſuper quandum obligationem pro ſolutione centum triginta & quatuor librarum per dictum quer.Roberto R. teſtatori tuo intratur. uſque ad auditum Cauſe emanaret niſi tu prefat. Def. ſuper notitiam ejuſdem ordin. Clerico tuo in Cur. dand. die veneris tunc prox. futur. & nunc preterit. bonam Cauſam in contrarium inde oſtenderis Nos in Complement' ordin. predict. & pro diverſis cauſis & ro'nibus nobis eodem tertio die Novembris Oſtens. ac pro eo quod tu prefat. Def. nullam cauſam in contrarium ordin. predict. oſtendiſti ſicut per Certificac' Regiſtarii dicte Cur. noſtre plene apparet licet deb'a ejuſdem ordinis notitia dict. Clerico tuo dat. fuit. veluti per ſacrum' ſatis fide dignum apparet Tibi igitur prefat. *A.B.* ac vobis prefat. Conſiliar. Attornat. Solicitat. & Agentibus ſuis quibuſcunque & eorum cuilibet ſubpena quingentarum librarum de terris bonis & Catallis veſtris & cujuſlibet veſtrum ad opus noſtrum levand.

firmiter

firmiter injungend. precipimus quod ab omni ulteriori profecutione qvacunque ad co'nem legem verſus dictum quer. de vel ſuper obligatione predicta ceſſes deſiſtes ceſſetis & deſiſtetis & quilibet veſtrum abhinc penitus ceſſet & deſiſtat donec materia predicta in Curia noſtra plenarie audit. & determinat. vel alit. ordinat. fuit' in hac parte Et hoc &c. *T. R.*

Injunction, for that the Money is Depoſited in Court.

Rex &c. oſtens. eſt nobis in Cur. Canc. noſtra tertio die Febr. Anno regni noſtri viceſimo octavo ex parte *C. D.* quer. verſus te prefat. *A. D.* quod tu prefat. Def. veredict. obtinuiſti ad communem legem verſus prefat. Quer. pro centum libris ac quatuor Marc. Cuſtag. Quas ipſe quer. in manus tuas perſolvere volebat ita ut breve de Injunctione emanaret ad retardand. profecuc. ſuper veredict predict. Quod cum Conſiliar. tui prefat. Def. accepiſſet tum ordinat. erat ſuper ſolutione dictarum pecuniar. & Cuſtag. predict. ad diem in ea parte conſtitut. dictum breve de Injunctione remaneret jam quia dictus quer. ſecundum directionem ordin. predict. in Cur. protulit predict. ſummam centum Librar. cum Cuſtag. predict. velut per certificationem Haſtiarii dicte Cur. noſtre plenius liquet Nos ad hec conſideracionem habentes ſpecialem Tibi igitur prefat. *A. B.* ac vobis prefat. Conſiliar.

ſiliar. Attornat. Solicitatoribus & Agentibus predict. & cuilibet veſtrum ſubpena ducentar. librar. de terris bonis & Catallis veſtris & cujuſlibet veſtrum ad opus noſtrum levand. firmiter injungend. precipimus quod ab omni ulteriori proſecucione quacunque ad communem legem de pro vel ſuper veredict. predict. adhuc penitus deſiſtes deſiſtetis & quilibet veſtrum deſiſtet donec materia predicta &c. Et hoc &c.

Injunction to quiet poſſeſſion.

Rex &c. *A. B.* Theologie Profeſſori Decano Eccleſie Cathedral. &c. ac cuicunque al. perſone ſive quibuſcunque al. perſonis aliquod jus ſtatum titulum clameum uſum poſſeſſionem Intereſſe ſive demand. de vel in quadam parcella terre vocat. &c. in queremon. *C. D.* quer. coram nobis in Cur. Cancellar. noſtra verſus te prefat. *A.* Def. nuper exhibit. mentionat. & ſpecificat. aut de vel in aliqua inde parte vel parcella per vel ſubter vos ſeu veſtrum aliquem haben. claman. ſeu vendican. & eorum cuilibet ſalutem Oſtens. eſt nobis in Cur. Cancellar. noſtra predict. quod dictus quer. per queremon. ſuam predict. releviari petiiſſet pro terr. predict. Quodque tu prefat. Def. reſponſionem tuam adinde adhibuiſti Ac licet dictus quer. habuit actual. poſſeſſionem terr' predict. per ſpacium &c. ult. predict. ante exhibitionem Bille predict. velut ex Sacramento plenius manifeſtum eſt Tu tamen prefat.

fat. Def. poſſeſſionem dicti quer. diſturbare conaris minus juſte ut dicitur Nos ad hec conſideracionem habentes Tibi igitur prefat. *A. B.* ac vobis ceteris perſonis ſupradict. & cuilibet veſtrum ſub pena ducent. Librar. de terris bonis & Catallis veſtris & cujuſlibet veſtrum ad opus noſtrum levand. firmiter injungend. precipimus quod ab omni ulteriori proſecutione verſus predict. quer. & Aſſignat. ſuos plenam quietam & pacificam poſſeſſionem terr. in queremon. predict. ut prefertur querelat. & cujuſlibet inde partis vel parcelle habere gaudere uti frui tenere & poſſidere permittatis & quilibet veſtrum permittat in tam amplis modo & forma prout dictus quer. & aſſignat. ſui tempore exhibicionis queremon. predict. per ſpacium trium Annorum antea habuerunt poſſiderunt tenuerunt uſi & gaviſi fuerunt aut eorum aliquis habuit tenuit uſus vel gaviſus fuit donec & quouſque materia predict. coram nobis in Canc. noſtra predict. plenarie audit. & determinat. fuerit Et hoc &c. *T. R.*

INSPEXIMUS.

Inſpeximus upon a Bill, Anſwer and Depoſitions.

Rex &c. omnibus ad quos preſentes Litere pervenerint, ſalutem Inſpeximus quandam Billam

Billam ſive Peticionem per *T. F.* Gen. coram nobis in Cancellar. noſtra verſus *J. C.* gen. exhibit. ac in filaciis dicte Cur. Cancellar. noſtre de Recordo remanen. in hec verba *To the Right Honourable*, &c. Inſpeximus etiam reſponſion. *J. K.* gen. prefat. peticioni fact. & in filaciis Cancellar. noſtre pred. ſimiliter reſiden. in hec verba *The Anſwer of J. C.* &c. Inſpeximus ulterius quedam Interr. in Cancellar. noſtra exhibit. examinationeſque Teſtium ex parte pred. *T.* quer. verſus prefat. *J.* Def. in hec verba *Interrogatories* &c. Inſpeximus porro depoſiciones quorundam Teſtium coram nobis in Cancellar. noſtra predicta Jurat. & ſuper Interr. pred. examinat. in hec verba *Depoſitions of Witneſſes*, &c. Nos autem tenores premiſſorum ad requiſicionem predict. quer. duximus exemplificand. per ſentes In cujus rei Teſtimon. has Litteras noſtras fieri fecimus patentes *T. R.*

Inſpeximus of a Dedimus, Interrogatories and Depoſitions.

Rex &c. Inſpeximus quoddam breve noſtrum de Ded. poteſtat. è Cur. Cancellar. noſtra antehac emanen. Quibuſdam Commiſſionar. direct. pro examinatione teſtium quorundam inter *A.* quer. & *C.* Def. ac per eoſdem Commiſſionar. in dict. Cur. Cancellar. noſtra unacum indorſ. ejuſdam brevis retornat. ac ibidem de recordo reſiden. in hec verba *Carolus* &c. Inſpeximus eciam quedam

Interr.

Interr.ex parte pred. Defendentis in brevi noſtro predicto antehac inclusa & pred. Commiſſionar. ita tranſmiſs' ac per eos cum brevi noſtro predicto in dict. Cur. noſtra retornat. ibidemque de recordo reſiden. in hec verba &c. *Interrogatories* &c. Inſpeximus deinde Depoſiciones Teſtium ex parte prefat. Defendentis coram predictis Commiſſionariis product. ac per eos virtute brevis pred. capt. & examinat. & poſtea in Cur. Cancellar. noſtra pred. retorn. ac ibidem de Recordo reſiden. in hec verba *Ex parte Def.* &c. Nos autem ſeparales tenores premiſſorum ad requiſicionem prefat. *C. D.* Def. duximus explificand. per preſentes In cujus rei Teſtimonium &c. *T. R.*

Inſpeximus eciam	Inſpex. porro
Inſpex. inſuper	Inſpex. itidem
Inſpex. ulterius	Inſpex. quoque
Inſpex. preterea	Inſpex. necnon
Inſpex. deinceps.	Inſpex. denique

LET-

LETTERS

to Noblemen.

A Letter to a Nobleman, to cauſe his Appearance to be entred to a Bill exhibited againſt him.

My Lord,

After our hearty Commendations to your Lordſhip; Whereas there is an Engliſh Bill exhibited into His Majeſties Court of Exchequer at Weſtminſter, againſt your Lordſhip and others, by *L. S.* We have thought fit to give your Lordſhip notice thereof, rather by theſe our Letters, then by awarding His Majeſties ordinary Proceſs againſt you. Wherefore theſe are to pray your Lordſhip to give order for the entering of your appearance the 23d day of *October* next; And of putting in your Anſwer unto the ſaid Bill, according to the uſual Courſe, with all convenient ſpeed. Of the which, nothing doubting but that your Lordſhip will have the care and regard which thereto appertaineth, We bid your Lordſhip heartily farewell.

Weſtminſter,
Duodecimo Julii,
1687.

Your Lordſhips very Loving Friends.
A. B. C. D. E. F.

A

A Letter to a Nobleman to come to a Barons Chamber, to be examined upon Interrogatories.

May it pleaſe your Lordſhip, after my hearty Commendations, whereas there is a Cauſe depending in his Majeſties Court of Exchequer at *Weſtminſter*, between Sir *R. S.* Knight, His Majeſties Attorney General, for and on the behalf of His Majeſtie Plaintiff, and Sir *A. B.* Knight Defendant, wherein you are deſired to be examined, as on the behalfe of His Majeſty, upon certain Interrogatories, remaining before me at my Chamber in Serjeants-Inn in *Fleetſtreet London*; whereof I rather thought fit hereby to give your Lordſhip notice, then by awarding His Majeſties Proceſs in that behalfe. So not doubting of your ready compliance herein, I reſt your Lordſhips very Loving Friend.

E. A.

A Letter to a Nobleman to hear Judgement, &c.

After our hearty commendations to your Lordſhip, Whereas there is a Cauſe depending by Engliſh Bill in His Majeſties Court of Exchequer, between *H. M.* Plaintiff and your Lordſhip, and others Defendants; which Cauſe

Cauſe is appointed to be heard in the Exchequer-Chamber at *Weſtminſter* on Thurſday, the ſecond-ſitting there on Thurſdays the next Terme. We therefore have thought it fit to give you notice thereof, rather by theſe our Letters, then by awarding His Majeſties ordinary Proceſs againſt you. Wherefore theſe are to pray your Lordſhip to give order to your Lordſhips Counſel learned in the Laws, and ſuch others as you ſhall think fit, to be ready and prepared at the ſaid hearing of the ſaid Cauſe in your Lordſhips behalfe, at the time and place before mentioned, then and there to have and receive the Judgement and Decree of the ſaid Court, in the premiſſes according to the uſual Cuſtome in ſuch Caſes, of the which nothing doubting, but that your Lordſhip will prepare your Counſell accordingly we take our leave this Tenth day of &c. 1687.

Your Lordſhips to Command.

PRIVI-

PRIVILEGE.

A Superſedeas of Privilege.

Jacobus ſc'dus Rex &c. Univerſis & ſingulis Juſticiariis Judicibus Vicecomitibus Majoribus Ballivis Conſtabulariis ac omnibus aliis Officiariis miniſtris & fidelibus noſtris quibuſcunque tam infra libertates quam extra ad quos preſentes Litere noſtre pervenerint ſalutem Cum tam ex dignitate noſtra Regia & Progenitorum noſtrorum quondam Regum Anglie quam conſuetudine in Alma Cur. Canc. noſtre ac progenitorum noſtrorum à tempore cujus contrarii memoria hominum non exiſtit hactenus obtent. & approbat. ſit quod Cancellar. Angl. aut Cuſtos magni ſigilli Angl. pro tempore exiſten. ac al. reſiden. officiarii Clerici & Miniſtri de eadem Cur. Canc. noſtre ac progenitorum noſtrorum qui preſentes & prompti in obſequiis noſtris infra eandem Cur. Canc. noſtre pro bono publico regni noſtri indies deſerviunt & inde ſiſtunt de hominibus ſervien. terris tenement. Reſus bonis & Catallis ſuis liberi & quieti eſſe debeant ac temporibus retroactis eſſe conſueverunt juxta privileg. & libertat. Cur. Cancellar. noſtre

pred. necnon ad comparend. & reſpondend. coram aliquibus Juſticiariis Judicibus Officiariis & Miniſtris noſtris ſecularibus quibuſcunque preterquam coram Cancellar. Angl. ſeu Cuſtode magni ſigilli Angl. qui pro tempore fuerit ſuper aliquibus placitis querelis tranſgreſſionibus ſeu demand. quibuſcunq; perſonam noſtram non tangen. placitis de libero tenemento feloniis & apellis duntaxat except. aut ratione alicujus ſumoniconis noſtre ſive impanellationis de vel in aliquibus Aſſizis Jurat. ſive Recognic'onibus coram eiſdem Juſticiar. Judicibus Officiar. vel miniſtris Capiend. aut ad aliquod officium Collectoris ſubſidii decimar. & quintar. decimar. Guard. Eccleſie Conſtabular. ſuperviſoribus pauperum ſive ad vigiland. vel Wardand. ſive aliqua alia officia ſervic. ſeu attendenc. alioquin quam in Cur. noſtra exercend. per quam à dicta Cur. noſtra retrahi poſſint contra voluntat. ſuas trahi vel compelli arreſtari implacitari impriſonari eligi ſeu onerari non debeant quoviſmodo nec aliquibus temporibus retroactis conſueverunt Que quidem conſuetudo privileg. & libertat. in Parliamento Dni. Edwardi nuper Regis Angl. tercii progenitoris noſtri apud Weſtm. Anno Regni ſui decimo octavo tent. per ipſum Dnum, Regem Compares & Barones ſuos ac per alios in dicto Parliamento exiſten. confirmat. fuer. & approbat. prout per indorſament. cujuſdam peticionis coram ipſo Rege in dicto Parliamento exhibit. & in Rotul. ejuſdem Parliamenti irrotulat. plene liquet Et quia J. D.

uni

uni Clericorum *C. D.* Ar. unius ſex Clericorum Canc. noſtre predict. conſuetudinem & privileg. predict. erga & penes ipſum *J. D.* corroborantes & gratificantes ac ill. ei ad quod benefic. cauſa predict. de jure eſt ſpectans inviolabilit. ut pred. eſt obſervari necnon firmit. & plenarie approbari volentes vobis & cuilibet veſtrum mandamus & firmit. injungend. precipimus quod ipſum *J. D.* contra tenorem Libertat. & privileg predict. non moleſtetis ſeu gravetis nec ad comparend. vel reſpondend. coram aliquibus Juſticiar. Judicibus officiar. vel miniſtr. ſecular. quibuſcunque preterquam coram Canc. noſtre Angl. ſeu cuſtod. Magni ſigill. Angl. qui pro tempore fuit' ſuper aliquibus placitis querelis tranſgreſs. ſeu demand. que perſonam noſtram non tangunt placitis de libero tenemento feloniis & apellis duntaxat except. ratione alicujus ſummonitionis ſive impanellationis compellatis nec eor. aliquis compellat quoviſmodo nec in aliquibus Aſſizis Jurat. fuerint ſeu recognitionibus coram prefat. Juſticiar. Judicibus vel al. officiar. ſeu miniſtris quibuſcunque capiend. nec in aliquo officio Collector. ſubſidii decimarum aut quinta-decimarum Guard. Eccleſiæ Conſtabul. ſuperviſoris viarum vel Collectoris pro pauperibus ponatis nec eligatis Neque ipſum ad vigiland. wardand. vel ad aliquod alium officium ſervic. aut attendanc. alibi quam in Cur. noſtra predict. faciend. aut exercend. compellat. aut compelli faciatis quoviſmodo Et diſtrictionem ſiquam eidem *J. D.* ea occaſione

feceritis seu aliquis vestrum fecerit ill. ei sine dilatione relaxetis & vestrum quilibet relaxet Ita quod ipse predict. *I.* inde per vos vel aliquem vestrum contra tenorem libertat. & privileg. predict. in aliquo premissorum non molestetur seu gravetur nec in aliis quas tunc vos obstare poteritis ipsum molestari seu gravari permittatis quovismodo. Teste Rege &c.

A Writ of Privilege to discharge a Suitor of the Court, arrested as he came thither to follow his concerns.

Cum secundum consuetudinem regni nostri Angl. hactenus obtent. & approbat. homines ad presentiam nostram de mandato nostro special. seu ad Cur. nostras reven. absque morando & ad propria redeund. ipsi & eorum famuli & servien. infra defensionem & protectionem nostras semper fuerunt Et ipsi ratione alicujus debit. computi transg. seu alicujus Contract. cujuscunque dum sic circa personam nostram seu in Cur. nostra de mandat. nostro speciali fuerunt arrestari minime debeant seu imprisonari Ac jam intelleximus qd. tu prefat. Vic. quendam *B.* qui ad Curiam Canc. nostre de mandato nostro speciali. ven. ad respondend. *D.* per te arrestat. & sub hoc arrest. detent. existit. in Nostri contempt. & ipsius dampnum non modicum & gravamen & contra consuetudinem predict. Vobis & cuilibet vestrum mandamus quod si ita sit tunc placitum

placitum ill. ac al. placit. & querelas quascunque versus ipsum coram vobis seu aliquo vestrum moven. superfed. omnino & ipsum de arrestari fac. Ipsum contra consuetudinem predict. non molestan. seu gravan. Teste &c.

A Writ of Privilege to secure the Plaintiffe his Commissioners, Agents and Witnesses from being Arrested in a Corporation, where they are to sit upon a Commission.

Rex &c. Universis & singulis Justic. Judicibus Vicecomitibus Majoribus & Ballivis Constabular. ac omnibus al. Officiar. Ministris & ligeis subditis nostris quibuscunque tam infra Libertates quam extra ad quos presentes Litere pervenerint & eorum cuilibet salutem Cum secundum consuetudinem Regni nostri Angl. existit hactenus obtent. & approbat. q'd homines ad presentiam nostram de mandat. nostro speciali seu ad Curias nostras vel ad executionem brevium Commission. aut preceptorum nostrorum de mandat. nostro speciali venien. sive attenden. ibidem morantes & ad propria redeuntes infra protectionem & defensionem nostras existunt speciales Ipsique arrestari vel imprisonari minime debeant Neque ipsi bona & catalla sua attachiari debeant quovismodo Cumque ex testimonio satis fidedigno in Cancellaria nostra accepimus Quod quoddam breve nostrum de Commissione è dicta Cancellaria nostra emanavit ad examinand. testes int. *R. S.* quer. &

N. I. Def. quibuſdam *I. C.* & *R. H.* gen. & al. Commiſſionar. direct. Exequendum eſſe apud Burgum noſtrum Ville de *T.* in Com. *G.* 26. die Septembris Inſtan. Quodque prefat. *N. I.* Attornat. Sollicitatores & Agentes ejus neque Commiſſionarii predicti aut Teſtes ex parte predicti *N.* examinand. ad villam *T.* predict. adire ibidem morari & executioni Commiſſionis pred. attendere poſſint neque ad domos proprias ſuas abſque Magno periculo arreſtacon' aut attachiament' redire valeant Precipue propter Juriſdictionem ſive Privilegium Cur. Honoris ſive Manerii de *T.* predict. Nos ad hec conſiderationem habentes ſpecialem Et quoniam hujuſmodi arteſtationes & attachiament. non ſolum in contemptu noſtri exiſtunt & ad dampnum & gravamen prefat. *N. I.* necnon Attorn. Sollicitatorum Agentium & Commiſſionariorum predictorum tendunt Verum eciam contra conſuetudinem & privileg. Cur. Cancellar. noſtre predicte à tempore cujus contrarii memoria homin. non exiſtit uſitat. & approbat. in eadem exiſtunt Vobis igitur & cuilibet veſtrum Mandamus & firmit. Injungend. precipimus quod prefat. *N.* Commiſſionar. Attornat. Sollicitatores Teſtes aut Agent. predict. vel aliquem eorum contra tenorem confuetud. & privilegii pred. non moleſtetis ſeu gravetis nec aliquis veſtrum moleſtat ſeu perturbet neque ab aliis moleſtari vel gravari permittatis nec aliquis veſtrum permittat Quodque prefat. *N.* Commiſſionar. Attorn. ſive Solicitatores predict.

aut

aut Teſtes vel Agen. predictos ſeu aliquem eorum non arreſtetis neque attachietis nec aliquis veſtrum arreſtat ſeu attachiet neque ab aliis arreſtari vel attachiari permittatis nec aliquis veſtrum permitat quoviſmodo contra tenorem preſentium Sed Execucionem omnium brevium & precept. quorumcunque verſus ipſos vel aliquem eorum ſuperſedeatis & deſiſtatis ac quilibet veſtrum ſuperſedeat & deſiſtat Dum illi vel aliquis eorum veniendo ad executionem Commiſſion. predicte ibidem morando ſeu ad propria redeundo verſantur aut verſatur Et ſi ipſos vel aliquem eorum arreſtaveritis vel attachiaveritis contra tenorem preſentium & conſuetudines & privileg. pred. ipſos & eorum quemlibet dearreſtari & è priſona qua ipſi vel aliquis eor. ſic detinentur aut detinetur ſine dilatione deliberari faciatis & quilibet veſtrum faciat ſub periculo incumben. T. &c.

PRESENTATION.

A Preſentation to a Rectory by the Patron upon the death of the laſt Incumbent.

Reverendo in Chriſto patri ac Domino Domino permiſſione divina &c. Epiſcopo veſtro ve Vicario in ſpu'alibus generali & officiali principali ſeu alii Judici hanc noſtram preſentat.cnem admittendi poteſtatem habenti cuicunque Veſter humilis Devotus *T. H.* de *F.* in Com. &c. verus & indubitat. Patronus Rectoriæ Eccleſiæ de *O.* in Com. *S.* veſtræve Diœc. *W.* omnimodam obedient. & reverentiam tanto Reverendo patri debit. & condign. cum honore Ad Rectoriam Eccleſie parochialis de *Q.* predict. per mortem *J. H.* Clerici ult. Incumben. ibidem jam ligittime vacan. ad meam preſentationem pleno jure ſpectan. Dilectum mihi in Chriſto *W. D.* Clic'm veſtre Reverende paternitati tenore preſencium humilit. ſupplican. quatenus eundem *W. D.* ad Rectoriam predict. admittere ipſumque Rectorem ejuſdem cum ſuis juribus membris & pertinenciis univerſis inſtituere & inveſtire ceteraque omnia & ſingula facere excquere & perimplere que veſtro in hac parte incumbunt officio patterali digneminj Caritatis intuitu

cum

cum favore In cujus rei Teſtimon. ſigillum meum ad arma preſentibus appoſui Dat. &c.

PROCEDENDO.

A Procedendo upon a Certiorari.

Rex &c. Majori & Aldermannis Civitatis noſtre London. &c. Licet nos nuper volentes certis de cauſis certiorari ſuper quandam Billam Anglicanam que fuit coram vobis in Curia noſtra Civitat. predict. int. *A. B.* per breve noſtrum nuper vobis mandaverimus quod tenorem bille predict. cum omnibus eam tangen. quibuſcunque nominibus partes predict. in Billa predict. cenſerentur Nobis in Canc. noſtram ſine dilatione ubicunque tunc foret ſub ſigillis veſtris diſtincte & aperte mitteretis Quibuſdam tamen certis de cauſis Nos jam ſpecialit. moven. vobis mandamus quod in Billa Anglicana predict. cum ea celeritate qua de jure & ſecundum conſuetudinem Civitat. noſtre predict. poteritis procedeatis Dicto brevi noſtro prius direct. vobis in aliquo non obſtan. Teſte &c.

The Courſe of the Court upon a Certiorari Bill is, upon putting in the ſame to enter into Bond to examine Witneſſes, to prove the ſuggeſtions of the Bill in nineteen dayes after the return of the Writ, the which if he faile

fail to doe, the Defendant may procure a Certificate from the Examiner, that the Plaintiff hath not examined any Witneſs, and thereupon a Procedendo may be awarded; but if the Plaintiff hath examined his Witneſſes, then the Defendant may get the Examinations referred to a Maſter, and if he Certifie that he hath proved the Suggeſtions, then the Cauſe is to be returned, and to proceed on in the ordinary courſe, but theſe Examinations are not to be made uſe of at the hearing of the Cauſe; but if the Maſter Certifie that the ſuggeſtions are not proved, then a Procedendo to be awarded; but the Defendants putting in an Anſwer to a Certiorari Bill, in that Caſe admits the Bill, and debars himſelf of a Procedendo. This was certified in a Cauſe depending the ſixteenth of *July*, *decimo quinto Caroli ſecundi*, 1663. int. *Ketway* & *Johnſon:* In which Cauſe the Defendant had not onely anſwered the Certiorari Bill, but called for, and accepted a general Replication. And ſo the Court being well poſſeſſed of the Cauſe, grants no Procedendo.

SCIRE

SCIRE FACIAS.

A Scire Facias to revive a Decree of Lands given to Charitable Uſes.

Carolus &c. *M. S. G. W.* ſalutem Cum Magiſter Fratres & Sorores Hoſpicii de *M.* in Com. Eborum quoddam Decretum in Cancell. noſtra ante hac videlicet 24 die Januarii Anno Regni nuper Regis Caroli primi Patris noſtri beate Memorie duodecimo obtinuiſſent, int. al. pro quodam pio uſu è quodam Meſſuagio & certis terris cum pertin. jacen. in *O. M.* in Com. Eborum exeun. Quibus quidem Meſſuagio & terr. quidam *T. B.* titulum pretendebat eademque cuidam *Georgio Watſon* conceſſit Quod quidem Decretum per Domin. *C.* antehac Cuſtodem Magni Sigilli Angl. ratificat. & confirmat. fuit & per quoddam Decret. Cur. Cancellar. noſtre geren. dat. 4 die Februarii Anno regni dicti patris noſtri 12. decret. ſit quod predicti quer. Meſſuagium & terr. pred. contra prefat. *T. B.* & omnes ſubt. ipſum claman. quiete tenerent Cumque ex inſinuacione prefat. quer. accepimus quod prefat. *G. W.* mortuus ſit ac vos prefat. *M.* & *G.* pred. Meſſuag. & terr. per titulum à prefat. *G.* derivat. tenetis & Decret. pred. parere recuſaſtis Nos ea que in dicta Curia noſtra rite acta ſunt execution.

execution. demandari volen. vobis igitur prefat. *M. S.* & *G. W.* firmit. Injungend. precipimus &c. (ut infra) Teſte &c.

A Scire Facias to execute a Decree.

Rex &c. *H. H.* gen. filio & hered. *H. H.* gen. defunct. ſalutem Cum *E. R.* gen. etiam defunct. obtinuiſſet Decret Cur. Cancellar. noſtre verſus predict. *H. H.* patrem tuum quod idem *H.* ſolveret predict. *E.* ſummas quadragint. & novem libtarum decem ſolidorum & quinque denar. ac trigint. & quinque libras Cumque predict. *E.* breve noſtrum de Commiſſione ad ſequeſtrand. ſtatum real. & perſonal. dicti patris tui pro ſatisfactione debiti & dampnorum predict. obtinuiſſet ſed ante executionem ejuſdem prefat. *E.* moriebatur Et *E. R.* vid. & *M. R.* Adminiſtratores dicti *E. R.* breve noſtrum de ſcire facias ad revivificand. Decret. & Commiſſionem ſequeſtration. predict. ſequebantur per ordinem dicte Curie noſtre ad Decret. pred. & omnes proceſs. ſuperinde habit. ac breve noſtrum de Com. ad ſequeſtrand. revivificat. eſſe Cumque predict. *H. H.* pater tuus nuper mortuus eſt prout ex inſinuatione predictarum *E. R. E. R.* & *R. D.* accepimus Executio tamen Decreti & Commiſſionis predict. adhuc reſtat faciend. Et quia volumus ea que in dicta Cur. noſtra rite acta ſunt debiti executioni demandari Tibi precipimus quod omnibus aliis pretermiſſis & excuſatione quacunque ceſſan. in propria perſona tua ſis coram

ram nobis in dicta Cancellar. noſtra viceſimo quarto die Octobris prox. futur. ubicunque tunc fuerit ad oſtendend. bonam & ſufficien. cauſam quare Decret. predict. & omnes proceſs. ſuperinde habit. breveque noſtrum de Commiſſione ſequeſtration' predict. non revivificat. eſſent & in tali vigore verſus te ſtarent quali verſus patrem tuum nuper ſtabant Et quare debitum predict. cum dampnis & cuſtag. à tempore Decreti predict. ſuper real. & perſonal. ſtatum quod nuper fuit dicti patris tui non levat. eſſet juxta tenorem cujuſdam ordinis inter predict. Adminiſtratores quer. & dictum patrem tuum Def. nuper fact. & geren. dat. undecimo die Julii ult. preterit. & ad faciend. ulterius & recipiend. quod dicta Curia noſtra conſideravit' in hac parte Et hoc ſubpena Centum librarum nullatenus omittas Et habeas ibi hoc breve Teſte &c.

Scire facias taken to the uſe of the Party.

Rex &c. Vic. *B.* ſalutem Quia *L. N.* de *R.* in Com. tuo gen. venit coram Baronibus de Scaccario noſtro apud Weſtm. quarto die Maii Anno regni noſtri ſeptimo in propria perſona & recognovit ſe debere *E. P.* generoſo Centum libras legalis monet. Angl. quas ei ſolviſſe debuiſſet ad certum diem jam preterit' Et eas prefat. *E. P.* nondum ſolvit nec ſolvi fecit prout per inſpectionem Rotulorum de Scaccario noſtro nobis conſtat Tibi precipimus quod non &c. quin per probos & legales homines

homines de Balliva tua ſcire fac. prefat. *L.N.* quod ſit coram Baron. &c. ad oſtendend. & proponend. ſi quid &c. quare ipſe pred. Centum libr. per ipſum in forma predict. recognit. erga predict. *E.P.* onerari & ei inde ſatisfacere non debeat Et habeas ibi tunc nomina eorum &c.

A Scire facias to revive a Decree.

Rex &c. *T.G.* filio & hered. *I.G.* defunct. ſalutem Cum *I.W.* ante hac obtinuiſſet Decret. Cur. noſtre Canc. verſus Dominam *A.W.* & *I.W.* patrem ſuum defunct. Executio tamen ejuſdam adhuc reſtat. faciend. ac pred. *A.* & *I.* mortui ſunt prout ex inſinuacione dict. *I.W.* accepimus Et quia volumus ea que in eadem Cur. rite acta ſunt debit. execucioni demandari tibi precipimus firmit. Injungend. quod omnibus aliis pretermiſſis & excuſatione quacunque ceſſante in propria perſona ſis coram nobis in dicta Cur. noſtra (tali Retorn.) prox. futur. ubicunque tunc fuerit ad oſtendend. bonum & ſufficientem cauſam quare Decret. predictum non revivificat. foret contra te ſecundum verum effectum & intencion. cujuſdam ordinis dicte Cur. noſtre int. dict. *I.W.* &c. quer. & predict. *D.W.* & *I.G.* defunct. fact. geren. dat. &c. Et ad faciend. ulterius & recipiend. quod dicta Curia noſtra conſ. in hac parte Et hoc ſubpena 100 *l.* nullatenus omittas Et habeas ibi hoc breve Teſte &c.

SUB-

SUBPENA.

A Subpena upon an Order for the Defendant to appear, and bring ſuch Writings into Court as he hath confeſſed in his Anſwer.

Rex *A. B.* ſalutem quibuſdam certis de cauſis coram nobis in Canc. noſtra propoſitis Tibi mandamus firmit. Injungend. quod omnibus aliis pretermiſſis & excuſatione quacunque ceſſan. in propria perſona tua ſis coram nobis in Canc. noſtra &c. ubicunque tunc fuerit proferens tecum tunc & ibidem in dictam Cancellar. noſtram quedam facta & ſcripta que per reſponſionem tuam ad queremoniam *A. D.* nuper in Canc. noſtra exhibitam in manibus & cuſtodia tuis remanere confeſſus es vel tunc & ibidem bonam & ſufficientem cauſam in contrarium inde oſtendend. vel oſtendi faciend. juxta directionem cujuſdam ordinis in eadem Cur. Canc. noſtre inter dictum quer. & prefat. Def. fact. & reddit. geren. dat. decimo ſexto die Aprilis inſtan. &c. Teſte &c.

Subpena

Subpena for a Witneſs to appear in Court, and teſtifie his Knowledge, &c.

Rex &c. *A. B.* & *C. D.* &c. ſitis Coram Theſ. Canc. & Baron. de Scaccario noſtro apud Weſtm. in Camera ejuſdam Scaccarii die Lune prima Seſſione eorundem Thes. Canc. & Baron. ibidem ſuper diebus Lune Termino paſche prox. futur. acciden. viceſimo ſeptimo die Aprilis prox. futur. ad Teſtificand. & informand. eoſdem Theſ. Canc. & Baron. de & in certis Articulis ſive Queſtionibus vobis tunc ibidem ex parte *L. O.* & al. quer. verſus *T. D.* Def. exponend. Et hoc &c. per Ordin. Cur. fact. ſeptimo die Februar. ult. preterit. Et per Barones.

Subpena to Rejoyne.

Rex &c. *A. B.* ſalutem precipimus tibi &c. ad rejungend. replicationi *E. F.* ad reſponſ. tuam nuper fact. & replicat. Et hoc &c. per replication. pred. & per Barones.

Subpena to appear, and bring Writings and Evidences into Court.

Rex &c. *A. B. C. D. I. B.* &c. ſalutem precipimus tibi firmiter injungend. quod &c. deferend. tecum omnia Evidenc. ſcript. cart. Feoffament. Compa. & al. munimenta quecunque concernen. ſive tangen. aliqua terr. ten. annual. reddit. vel ſtipend. nuper pertin. ſive ſpectan. fraternitat. ſancti *Johannis Baptiſte* &c. ac in Cuſtod. & man. tuis remanen. & exiſten. ut dicitur. Et hoc nullatenus Omitt. &c. Et h'eas &c. Teſte &c.

Subpena to appear to an Engliſh Bill.

Rex &c. *A. B.* ſalutem precipimus tibi firmit. injungend. quod excuſac. quacunque ceſſan. in propriis perſoniis veſtris ſis coram Baron. de Scaccario noſtro apud Weſtm. &c. ad reſpondend. nobis de certis Articulis tibi tunc ibidem ex parte noſtra objiciend. Et hoc nullatenus omitt' ſubpena *C. l.* quas de bonis & Catallis terris & tenementis vris' ſi hoc preſens mandatum noſtrum neglexis' ad opus noſtrum levari faciemus Et h'eas ibi tunc hoc breve Teſte &c. per Barones.

Subpena to perſwme the Order or Decree of the Court.

Rex &c. *I. L.* ſalutem precipimus tibi firmiter injungend. quod immediate poſt receptionem hujus brevis noſtri vel notic. inde per te habit. fac. exequeris & perimpleas ill. ordinationem ſive decret. Cur. Scaccarii noſtri cujus tenor pro pleniori informatione tua huic brevi noſtro annex. mittimus ac omnes & ſingulos Articulos & partes ejuſdem in omnibus & per omnia prout per eandem Ordinacion. ſive Decretum per te fiend. exequend. & perimplend. Ordinatur limitatur & appunctuatur Et hoc nullatenus omitt' ſub pena Centum librarum Teſte *M. H.* Mil. apud Weſtm. &c. per ordinem ſive decret. predict. Et per Barones.

The like directed to the Sheriff.

Rex &c. ſalutem tibi firmiter (ut ſupra) habit. omnia & ſingula que in quadam ordinatione per Cur. Scaccarii noſtri apud Weſtm. ſexto die inſtan. Junii fact. cujus tenor pro pleniori informatione tua preſentibus annex. mittimus continentur & ſpecificantur peſimpleas facias & exequeris juxta ver. im intentionem ejuſdem ordinis Et hoc &c. Teſte &c. per ordin. predict. Et per Barones.

Subpena for a Witneſs to Teſtifie his knowledge before Commiſſioners.

Rex &c. *A. B.* & *C. D.* ſalutem precipimus vobis firmiter &c. quod ſitis coram Dilectis nobis *H. L.* &c. aut duobus ſive plur. Commiſſionar. virtute brevis noſtri de Dedimus poteſtatem ſub ſigillo Scaccarii noſtri eis aut duobus ſive plur. eorum direct. apud Domum Manc'onal. *P. L.* ſcituat. in *B.* in Com. *L.* decimo die Maii prox. futur. int. octavam & nonam horam ante Merediem ejuſdem dici ad teſtificand. &c.

If the day and place be not certain.

Ad h'umoi diem & locum ſive dies & loca quos vel que iidem Commiſſionar. noſtri aut duo ſive plur. eorum vobis aut alicui veſtrum ſcire fecerint ad teſtificand. &c.

Subpena to pay Coſts for not putting in a Bill.

Rex &c. *A. B.* ſalutem precipimus tibi firmiter Injungend. quod immediate poſt receptionem hujus brevis noſtri vel notic. inde per te habit. ſolvi ſeu ſolvi fac. *A. L.* aut latori hujus brevis ejus in hac parte Aſſign. viginti. & ſex ſolid. & octo denar. legalis monete Anglie ſuper te taxat. & Aſſeſſat. per Cur Scaccarii noſtri apud Weſtm. pro miſis & cuſtagiis ſuis

que ſuſtinuit occaſione comparenc. ſue ſuper proceſs. de Subpena adſect. tui preſat. *A B.* & nulla billa ſuperinde exhibit. Et hoc nullatenus omitt' ſubpena &c. per ordinem Cur. predict. Et per Barones.

Subpena for Coſts upon a Decret.

Rex &c. (ut ſupra) ſolvatis ſeu ſolvi faciatis aut unus veſtrum ſolvat ſeu ſolvi faciat *E. F.* aut latori hujus brevis noſtri ejus in hac parte Aſſign. ill. ſummam vigint. ſolid. legalis monet Anglie ſuper vos taxat. & aſſeſs. per Cur. Scaccarii noſtri apud Weſtm. pro miſis & cuſtagiis ſuis per ipſum ſuſtent. in proſequend quandam Bill. Anglican. verſus vos per ipſum coram Theſaurar. Cancellar. & Baron. de Scaccario noſtro predict. nuper exhibit. & in obtinend. decret. dicte Cur. ſuperinde Et hoc &c. per Barones.

Subpena for Coſts for want of a Replication.

Rex &c. (ut ſupra) 3 *l.*--- 6 *s.*--- 8 *d.* legalis monet, Angl. ſuper te taxat. & aſſeſſat. per ordin. Cur. Scaccarii noſtri apud Weſtm. fact. (tali die &c.) Et hoc &c. per Barones.

Subpena for Coſts upon the Diſmiſſing of a Bill.

Rex &c. (ut ſupra) pro mis. & cuſtag. ſuis per ipſum ſuſtent. in defendend. quandam ſectam per Bill. Anglican. verſus ipſum per te coram Theſaurar. Cancellar. & Baron. de Scaccario noſtro apud Weſtm. nuper proſecut. & nunc diſmiſſ. Et hoc &c. per Barones.

Subpena to hear Judgment.

Rex &c. *L. S.* Salutem precipimus tibi firmiter injungend. quod excuſatione quacunque ceſſan. in propriis perſonis veſtris ſitis Coram Theſs. Canc. & Baron. de Scaccario noſtro apud Weſtm. in Camera ejuſdem Scaccarii die Jovis ſecunda Seſſione ſua ibidem ſuper diebus Jovis Termino ſancti Hillarii prox. futur. acciden. triceſimo primo die Menſis Januarii prox. futur. ad audiend. Judicium & finalem determination. eorum Theſs. Canc. & Baron. in quadam cauſa per Billam Anglicanam inter *E. F.* quer. & te prefat. *L. S.* Def. adhuc indeterminat. penden Et hoc nullatenus omitt. &c. per Baron.

que ſuſtinuit occaſione comparenc. ſue ſuper proceſs. de Subpena adſect. tui prefat. *A B.* & nulla billa ſuperinde exhibit. Et hoc nullatenus omitt' ſubpena &c. per ordinem Cur. predict. Et per Barones.

Subpena for Coſts upon a Decret.

Rex &c. (ut ſupra) ſolvatis ſeu ſolvi faciatis aut unus veſtrum ſolvat ſeu ſolvi faciat *E. F.* aut latori hujus brevis noſtri ejus in hac parte Aſſign. ill. ſummam vigint. ſolid. legalis monet Anglie ſuper vos taxat. & aſſeſs. per Cur. Scaccarii noſtri apud Weſtm. pro miſis & cuſtagiis ſuis per ipſum ſuſtent. in proſequend quandam Bill. Anglican. verſus vos per ipſum coram Theſaurar. Cancellar. & Baron. de Scaccario noſtro predict. nuper exhibit. & in obtinend. decret. dicte Cur. ſuperinde Et hoc &c. per Barones.

Subpena for Coſts for want of a Replication.

Rex &c. (ut ſupra) 3 *l.*--- 6 *s.*--- 8 *d.* legalis monet, Angl. ſuper te taxat. & aſſeſſat. per ordin. Cur. Scaccarii noſtri apud Weſtm. fact. (tali die &c.) Et hoc &c. per Barones.

Subpena for Coſts upon the Diſmiſſing of a Bill.

Rex &c. (ut ſupra) pro mis. & cuſtag. ſuis per ipſum ſuſtent. in defendend. quandam ſectam per Bill. Anglican. verſus ipſum per te coram Theſaurar. Cancellar. & Baron. de Scaccario noſtro apud Weſtm. nuper proſecut. & nunc diſmiſſ. Et hoc &c. per Barones.

Subpena to hear Judgment.

Rex &c. *L. S.* Salutem precipimus tibi firmiter injungend. quod excuſatione quacunque ceſſan. in propriis perſonis veſtris ſitis Coram Theſs. Canc. & Baron. de Scaccario noſtro apud Weſtm. in Camera ejuſdem Scaccarii die Jovis ſecunda Seſſione ſua ibidem ſuper diebus Jovis Termino ſancti Hillarii prox. futur. acciden. triceſimo primo die Menſis Januarii prox. futur. ad audiend. Judicium & finalem determination. eorum Theſs. Canc. & Baron. in quadam cauſa per Billam Anglicanam inter *E. F.* quer. & te preſat. *L. S.* Def. adhuc indeterminat. penden Et hoc nullatenus omitt. &c. per Baron.

A Subpena to ſhew cauſe why a Decree ſhould not be revived.

Rex &c. *A. F.* ſalutem quibuſdam certis de cauſis cor. nobis in Canc. noſtra propoſitis tibi precipimus firmiter injungend. quod omnibus aliis pretermiſſis & excuſatione quacunque ceſſante in propria perſona tua ſis coram nobis in dicta Canc. noſtra viceſimo die inſtantis Februarii ubicunque tunc fuit ad oſtend' bonam & ſufficien. cauſam quare quoddam Decret. & proceſs. ſuper eodem verſus te in predicta Canc. noſtra antehac fact. non revivificat. ſorent inter *A. B.* quer. & te prefat. Def. fact. geren. dat. ultimo die Januarii ult. preterito & ad ulterius faciend. & recipiend. quod dicta Cur. noſtra Canc. predicte in ea parte Conſ. Teſte &c.

SUPER-

SUPERSEDEAS.

A Superſedeas to a Proclamation.

Rex &c. Vic. Eborum ſalutem Licet nos nuper per breve noſtrum tibi precipimus quod in ſingulis locis infra Ballivam tuam tam infra Libertates quam extra ubi magis expediri videris ex parte noſtra publice proclamari facies quod *J. L.* ſub pena ligeanc. ſue coram nobis in Cancellar. noſtra ad certum diem in dicto brevi noſtro content. ubicunque tunc fuerit perſonaliter compareret prout per breve pred. plenius apparet Tibi precipimus quod executionem brevis noſtri pred. aliqualiter ulterius fiend. ſuperſedeas omnino Et ſi ipſum *I.* ea occaſione ceperis tunc ipſum *I.* à priſona qua ſic detinetur ſi ea occaſione & non alia detinetur in eadem ſine dilatione deliberari fac. *T. R.* &c.

A Superſedeas to an Attachment.

Rex &c. Vic. *N.* ſalutem Licet nos nuper per breve noſtrum tibi precepimus quod attach. *N. F.* ita quod eum habeas coram nobis in dicta Cancellar. noſtra ad certum diem in dicto brevi noſtro content. ubicunque tunc foret ad reſpondend. nobis tam de quodam

contemptu per prefat. *N.* nobis illat. ut dicitur quam de aliis que ſibi objicientur tunc ibidem Et ad faciend. ulterius & recipiend. quod Cur' noſtra de eo in ea parte cons' Tibi precipimus quod cuicunque executioni brevis noſtri pred. per te in aliquo faciend. ſuperſedeas & ſi ipſum *N.* pretextu mandati noſtri predicti ceperis aut in carceribus manucapt. tenes tunc ipſum *N.* à priſona qua ſic detinetur ſi ea occaſione & non alia detinetur in eadem ſine dilatione deliberari fac. *T. R.*

Superſedeas to a Commiſſion to examine Witneſſes.

Rex &c. Dilectis &c. Licet nos per breve noſtrum nuper aſſignavimus vos tres vel duos veſtrum ad quoſcunque teſtes ſuper quibuſdam Interr. in dicto brevi noſtro incluſis examinand. ex parte *A. B.* quer. verſus *C. D.* Def. ac quod vos examinationes teſtium predictorum nobis in Cancellar. noſtram ubicunque tunc fuerit ad certum diem in dicto brevi noſtro content. mittaretis unacum brevi illo Prout in brevi predicto plenius continetur Quibuſdam tamen certis de cauſis nos ad preſens ſpecialiter moven. vobis precipimus quod in execucione dicti brevis noſtri per vos tres vel duos veſtrum ulterius fac. vel faciend. minime procedeatis ſed inde ſuperſedeatis omnino Dicto brevi noſtro prius vobis in contrarium direct. non obſtante *T. R.*

Super-

Superſedeas to ſtay all Proceedings in the Court of the Biſhop of Durham *againſt* I. N.

Rex &c. Reverendo in Chriſto Patri *W.* Divina providencia Epiſcopo Dunelm' Necnon omnibus & ſingulis Conſiliar. Advocat. Solicitat. Procurat. & Factoribus tui prefat. *W.* & veſtrum cuilibet ſalutem Quibuſdam certis de cauſis Canc. & Baron. de Scaccario noſtro apud Weſtm. ad preſens movend. Vobis & Cuilibet veſtrum precipimus & firmiter injungend. mandamus quod de cetero poſt reception. hujus brevis noſtri vel notic. inde per vos ſeu aliquem veſtrum hit. non proſequeritis aliquam actionem ſect. Bill querel. Libell. placitum ſive querimon. per vos aut aliquem veſtrum nuper incept. mot. ſeu habit. ſive impoſterum incipiend. movend. ſeu habend. verſus quendam *I. N.* defunct. nuper aut verſus ejus Executorem ſive Adminiſtrat. vel eorum aliquem pro ſive concernen. Procurationes Synodal. annual. Pention. ſive Pentiones pro qualibet Prebenda de *H.* in Eccleſia Collegiat. de C. in Dicto Com. *D.* ſed de cetero ab omnibus hujuſmodi action. ſect libell. querel. placitis & queremon. ac omni proſecutione eorundem ſuperſedeatis Et quilibet veſtrum ſuperſed. omnino quouſque mater. per Billam Anglican. inter prefat. *I. N.* quer. & te prefat. *W.* Epiſcopum Dunelm. Defend. coram prefat. Cancellar. & Baron. noſtris pro premiſſis in lite penden.

penden. plenar. audit. & determinat. fuerit. Et ſuperinde alit. per Cur. Scaccarii noſtri pred. Ordinat. ſive direct. fuit. Et hoc &c. ſubpena cujuſlibet veſtrum Ducent. Libr. Teſte &c. per Ordin. Cur. & per Barones.

WRITS.

Writ of Diſcharge to a Sheriff.

Rex &c. Dilectis nob. *A. B.* nuper Vic. noſtro Com. noſtri Salop. ſalutem Cum commiſerimus dilecto noſtro *R. B.* Com. noſtrum predict. cum. pertin. cuſtodiend. quamdiu nobis placuit. prout in brevi noſtro paten. ſibi inde confect. plenius continetur Tibi precipimus quod eidem *R. B.* Com. predict. cum pertin. unacum Rotulis brevibus memorand. & omnibus aliis ad officium Vic. Com. predict. ſpectan. que in cuſtodia tua exiſtunt per indenturam inde int. te & prefat. *R. R.* debite conficiend. deliberes. Teſte &c.

Writ of Aſſiſtance of a Sheriff.

Rex &c. Archiepis Epiſcopis Ducibus Comitibus Baronibus Militibus liberis hominibus & omnibus aliis de Com. noſtro &c. ſalutem Cum commiſerimus dilecto nobis *R. B.* Com. noſtrum predict. cum pertin. cuſtodiend. quamdiu

diu nobis placuit prout' in literis noſtris Paten. inde ei conſect. plenius continetur Vobis mandamus quod eidem *R. B.* tanquam Vic. noſtro Com. pred. in omnibus que ad officium illud pertinent. intenden. ſitis reſpondentes & auxiliant. In cujus rei &c.

Patent granted to a Sheriff.

Rex &c. omnibus ad quos &c. ſciatis quod commiſerimus Dilecto nobis *R. B.* Com. noſtrum *S.* cum perrin. cuſtodiend. quamdiu nobis placuit' ita quod firmas deb'as nobis reddat annuatim ac de deb'is noſtris omnibus aliis ad officium Vic. Com. predict. ſpectan. nobis reſpondeat ad Scaccarium noſtrum In cujus rei &c. Teſte &c.

Vidimus, upon an Order, Report and Affidavit.

Rex &c. Omnibus ad quos preſentes Litere noſtre pervenier int ſalutem Vidimus quendam ordinem coram nobis in Cur. Cancel. noſtre int. *A. B.* quer. & *C. D.* Def. nuper fact. & reddit. ac penes Regiſtrar. ejuſdem Cur. noſtre remanen. in hec verba *Lune decimo die Januarii* &c. Vidimus eciam quendam alium ordinem coram nobis in dict. Cur. Cancellar. noſtre int. partes pred. nuper fact. & reddit. ac penes dictum Regiſtrar. ejuſdem Cur. noſtre ſimiliter remanen. in hec verba *Jovis* &c. Vidimus ulterius quandam

dam Relationem per *I. P.* in dicta Cur. Cancellar. noſtre Magiſtrorum unum int. partes pred. nuper fact. & reddit. ac in pred. Cur. Cancellar. certificat. ibidemque penes dictum Regiſtrar. ejuſdem Cur. noſtre ſimiliter remanen. in hec verba &c. Vidimus Denique quoddam Jurament. per quendam *A. B.* coram nobis in Cur. Cancellar. noſtre perſonaliter in materia predicta int. dictas partes in pred. Cur. noſtra deponen. corporaliter preſtit. ac penes Regiſtrarium ejuſdem Cur. noſtre ſimiliter remanen. in hec verba &c. Nos autem ſeparales tenores ordin. relation. & Jurament. pred. ad humilem requiſitionem prefat. *C. D.* Def. duximus exemplificand. per. preſentes In cujus rei Teſtimon. &c. *T. R.*

THE

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